

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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सं० ३३] नई दिल्ली, शनिवार, अगस्त १७, १९६८/श्रावण २६, १८९०
 No. 33] NEW DELHI, SATURDAY, AUGUST 17, 1968/SRAVANA 26, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र १ अगस्त, १९६८ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 1st August 1968.

| Issue No. | No. and Date | Issued by | Subject |
|-----------|-----------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 269 | S.O. 2701, dated 29th July, 1968. | Ministry of Commerce | The Imports (Control) Third Amendment Order, 1968. |
| | S.O. 2702, dated 29th July, 1968. | Do. | The Imports (Control) Fourth Amendment Order, 1968. |
| 270 | S.O. 2746, dated 30th July, 1968. | Election Commission of India | Making corrections in Part B of Schedule IV of the Delimitation of Parliamentary and Assembly Constituencies Order, 1966, due to the territorial divisions in Kaira district of the State of Gujarat. |
| 271 | S.O. 2747, dated 31st July, 1968. | Ministry of Commerce | The Coir Retting (Licensing) Order, 1968. |
| 272 | S.O. 2748, dated 31st July, 1968. | Ministry of Finance | Appointment of some persons, whose names are given in the appendix therein, as Valuers for the purpose of the Estate Duty Act, 1953 for a period of five years. |

| Issue No. | No. and Date | Issued by | Subject |
|-----------|-----------------------------------|-----------------|--------------------------------------------------------------------------------|
| 273 | S.O. 2749, dated 1st August, 1968 | Ministry of Law | Result of the bye-elections for the Council of State, of the State of Haryana. |

ऊपर लिखे प्रकाशरण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेगी। परंपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़ कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 22nd July 1968

S.O. 2779.—In exercise of the powers conferred by sub-section 1 of section 21 of the Wakf Act, 1954 (29 of 1954), read with the notification of the Government of India in the Ministry of Law (Legislative Department) Wakf Section No. 4(3)/67-Wakf, dated the 19th July, 1967, and in continuation to the Notification of the Government of India in the Ministry of Law (Legislative) Department) Wakf Section No. 4(3)/67-Wakf, dated the 20th July, 1967, the Central Government hereby extends, in consultation with the Punjab Wakf Board, the term of appointment of Shri M. Mohibulla, I.A.S., (Retd.), as Secretary to the Punjab Wakf Board by a further period of six months upto and inclusive of the 25th January, 1969, on the terms and conditions as laid down in the erstwhile Punjab Government's Memo No. 38(1)-3J—/64, dated the 4th July, 1964.

[No. F.4(3)/67-Wakf.]

New Delhi, the 24th July 1968

S.O. 2780.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Wakf Act, 1954 (29 of 1954), read with the notification of the Government of India, in the Ministry of Education No. 6(5)/66-Wakf, dated the 23rd December, 1966, issued under sub-section (1) of Section 72 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Law (Legislative Department) No. 6(5)/66-Wakf, dated the 19th July, 1967, namely:—

In the said notification, for the figures, letters and word "25th July, 1968" figures, letters and words "31st December, 1968 or till the survey work is completed, whichever is earlier" shall be substituted.

[No. 6(2)/68-Wakf.]

N. D. P. NAMBOODIRIPAD,

Jt. Secy. & Legislative Counsel.

विधि मंत्रालय

(विधायी विभाग)

नई दिल्ली, 22 जुलाई, 1968

एस० ओ० 2781.—भारत सरकार के विधि मंत्रालय (विधायी विभाग) वक्फ अनुभाग अधिसूचना संख्या 4 (3)/67-वक्फ, तारीख 19 जुलाई, 1967 के साथ पठित वक्फ अधिनियम, 1954 (1954 का 29) की धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के विधि मंत्रालय (विधायी विभाग) वक्फ अनुभाग अधिसूचना संख्या 4 (3)/67-वक्फ, तारीख 20 जुलाई, 1967 के क्रम में केन्द्रीय सरकार पंजाब वक्फ बोर्ड के परामर्श से श्री एम० मोहिबुल्ला, भा० प्र० से० (अवकाश प्राप्त) की पंजाब वक्फ बोर्ड के सचिव के रूप में नियुक्ति की अवधि तत्कालीन पंजाब सरकार के ज्ञापन संख्या 38 (1)-3 न्यायिक/64, तारीख 4 जुलाई, 1964 में यथाअधिकथित निबन्धनों और शर्तों पर 25 जनवरी, 1969 को सम्मिलित करते हुये उस तक छः मास की अपर कालावधि के लिये एतद्द्वारा विस्तारित करती है।

[सं० फा० 4 (3)/67-वक्फ.]

नई दिल्ली, 24 जुलाई, 1968

एस० ओ० 2782.—पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 72 की उप-धारा (1) के अधीन निकाली गई भारत सरकार, शिक्षा मंत्रालय की अधिसूचना सं० 6(5)/66-वक्फ तारीख 23 दिसम्बर, 1966 के साथ पठित वक्फ अधिनियम, 1954 (1954 का 29) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा भारत सरकार, विधि मंत्रालय (विधायी विभाग) की अधिसूचना सं० 6(5)/66 तारीख 19 जुलाई, 1967 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में अंकों, अक्षरों और शब्दों “25 जुलाई, 1968” के स्थान पर अंक, अक्षर और शब्द “31 दिसम्बर, 1968 या जब तक सर्वेक्षण कार्य समाप्त हो, जो भी पूर्वतर हो” प्रतिस्थापित किए जाएंगे।

[सं० 6(2)/68-वक्फ.]

एन० जी० पी० नन्दाविरीपाद,
संयुक्त सचिव तथा विधायी परामर्शी।

MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd July 1968

S.O. 2783.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) Fourth Amendment Rules, 1968.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Authentication (Order and other Instruments) Rules, 1958, in clause (f), after the words "Deputy Assistant Financial Adviser" the following words shall be inserted, namely:—

"or the Director, Bureau of Public Enterprises in the Department of Expenditure".

[No. 3/12/68-Pub.I.]

K. R. PRABHU, Jt. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 23rd July 1968

S.O. 2784.—In pursuance of clause (c) of sub-section (1) of section 21, read with clause (b) of sub-section (2) and sub-section (3) of section 25 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri N. L. Khanna, 8/215, Aryanagar, Kanpur-2, to be a Member of the Kanpur Local Board of the State Bank of India.

[No. F.8/67/68-SB.]

New Delhi, the 9th August 1968

S.O. 2785.—Statement of the Affairs of the Reserve Bank of India, as on the 2nd August, 1968

BANKING DEPARTMENT

| LIABILITIES | Rs. | ASSETS | Rs. |
|----------------------------------------------------------|---------------|-------------------------------------------|---------------|
| Capital Paid Up | 5,00,00,000 | Notes | 35,14,27,000 |
| | | Rupee Coin | 5,71,000 |
| Reserve Fund | 80,00,00,000 | Small Coin | 3,58,000 |
| | | Bills Purchased and Discounted:— | |
| National Agricultural Credit (Long Term Operations) Fund | 143,00,00,000 | (a) Internal | .. |
| | | (b) External | .. |
| | | (c) Government Treasury Bills | 168,84,31,000 |
| National Agricultural Credit (Stabilisation) Fund | 33,00,00,000 | Balances Held Abroad* | 94,07,39,000 |
| | | Investments** | 344,62,37,000 |
| | | Loans and Advances to:— | |
| National Industrial Credit (Long Term Operations) Fund | 55,00,00,000 | (i) Central Government | .. |
| | | (ii) State Governments@ | 24,26,69,000 |
| Deposits:— | | Loans and Advances to:— | |
| (a) Government— | | (i) Scheduled Commercial Banks† | 69,52,08,000 |
| (i) Central Government | 69,19,14,000 | (ii) State Co-operative Banks‡ | 158,07,78,000 |
| (ii) State Governments | 10,55,57,000 | (iii) Others | 3,56,90,000 |

| LIABILITIES | | Rs. | ASSETS | | Rs. |
|--------------------------------------------------------|----------------|-----|------------------------------------------------------------------------------------------------|--|----------------|
| | | | Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund— | | |
| | | | (a) Loans and Advances to:— | | |
| (b) Banks— | | | (i) State Governments | | 31,68,99,000 |
| (i) Scheduled Commercial Banks | 150,90,17,000 | | (ii) State Co-operative Banks | | 15,83,97,000 |
| (ii) Scheduled State Co-operative Banks | 6,17,62,000 | | (iii) Central Land Mortgage Bank | | .. |
| (iii) Non-Scheduled State Co-operative Banks | 87,45,000 | | (b) Investment in Central Land Mortgage Bank Debentures | | |
| (iv) Other Banks | 16,87,000 | | Loans and Advances from National Agricultural Credit | | |
| (c) Others | 385,69,09,000 | | (Stabilisation) Fund | | 8,00,02,000 |
| Bills Payable | 34,32,01,000 | | Loans and Advances to State Co-operative Banks | | 5,79,04,000 |
| Other Liabilities | 29,60,65,000 | | Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund — | | |
| | | | (a) Loans and Advances to the Development Bank | | 6,08,92,000 |
| | | | (b) Investment in bonds/debentures issued by the Development Bank | | .. |
| | | | Other Assets | | 37,86,55,000 |
| | | | | | |
| Rupees | 1003,48,57,000 | | Rupees | | 1003,48,57,000 |

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 61,61,89,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 7th day of August, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 2nd day of August, 1968

ISSUE DEPARTMENT

| LIABILITIES | Rs. | Rs. | ASSETS | Rs. | Rs. |
|--------------------------------------|----------------|----------------|-------------------------------------------------------|---------------|----------------|
| Notes held in the Banking Department | 35,14,27,000 | | Gold Coin and Bullion:— | | |
| Notes in circulation | 3191,36,89,000 | | (a) Held in India | 115,89,25,000 | |
| Total Notes issued | | 3226,51,16,000 | (b) Held outside India | .. | |
| | | | Foreign Securities | 206,42,00,000 | |
| | | | TOTAL | | 322,31,25,000 |
| | | | Rupee Coin | | 81,15,23,000 |
| | | | Government of India Treasury Securities | | 2823,04,68,000 |
| | | | Internal Bills of Exchange and other commercial paper | | .. |
| TOTAL LIABILITIES | | 3226,51,16,000 | TOTAL ASSETS | | 3226,51,16,000 |

Dated the 7th day of August, 1968.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/68.]
V. SWAMINATHAN, Under Secy

(Department of Economic Affairs)

Bombay, the 30th July 1968

S.O. 2786.—In pursuance of paragraph 3 of the Order of the President dated the 29th February, 1968, constituting a Finance Commission (published with the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, No. S.O. 812, dated the 29th February, 1968), the Central Government hereby specifies the 31st July, 1968, as the date up to and inclusive of which Shri Mahavir Tyagi shall render part-time service as Chairman of the Commission. He shall render whole time service as Chairman of the Commission on and from the 1st August, 1968.

[No. F.13(1)-B/68.]

A. R. SHIRALI, Jt. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 24th July 1968

S.O. 2787.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961), and all other powers enabling in that behalf, the Central Board of Direct Taxes, hereby makes the following amendment in the Schedule appended to its Notification No. 28, dated 25th April, 1968, namely:—

Against B-Range, Nagpur under column 2 the following shall be added:—

B-Range, Nagpur 10. Additional Income-tax Officer, Collection, Nagpur.

This notification shall take effect from 24th July, 1968.

Explanatory note

The amendment has become necessary on account of the creation of a new circle known as Additional Income-tax Office, Collection, Nagpur in the Commissioner's charge.

(The above note does not form part of the notification, but is intended to be merely clarificatory).

[No. 65(F. No. 50/6/68-ITJ).]

S. V. SUBBA RAO, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 19th July 1968

S.O. 2788.—In exercise of the powers conferred by section 3 of the Textiles Committee Act, 1963 (41 of 1963), read with rule 3 of the Textiles Committee Rules, 1965, the Central Government hereby appoints the following as Chairman and members of the Textile Committee, namely:—

Chairman

1. Shri R. G. Saraiya, C/o. Narandas Rajaram & Co., Ltd., Navasari Chambers, Outram Road, Bombay-1.

Members

1. Shri L. T. Gholap, C/o. National Machinery Manufacturers Ltd., Bombay.
2. Shri M. P. Nachimuthu Mudaliar, 16, Azad Street, P.B. No. 33, Erode, Madras State.
3. Shri Srinagabushana, Director, Statistical Quality Control Unit, Bangalore.
4. Shri G. K. Devarajulu, C/o. Messrs. Lakshmi Mills, Ltd., Avanashi Road, Coimbatore.
5. Shri Pratap Bhogilal, C/o. Messrs. Bhogilal Leharachand Pvt. Ltd., Bombay-1.

[No. F. 19(23)-Tex(A)/67.]

H. K. BANSAL, Dy. Secy.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Bombay, the 4th July 1968

S.O. 2789.—A licence No. P/SS/1563114 and No. P/SS/1563115 both dated 13th February 1968 for the values of (1) Rs. 2000/- and (2) Rs. 1300/- respectively for the import of Gum copal, Bronze powder were issued to M/s. Sri Das Frame Industrial Co-operative Society Ltd., Lakadganj Layout, Near Kadabi Bazar, Nagpur, Maharashtra State subject to the following condition.

"This licence is issued subject to the condition that all items of goods imported under it shall be used only to the licence holder's factory at the address shown in the essentiality certificate issued by the recommending authority, against whom the licence is issued and no portion thereof will be utilised by the licensee for a unit/purpose other than the one for which the licence in question is issued, or will be sold or be permitted to be utilised by any other party".

2. Thereafter a show cause Notice No. 1/71/68/AU/Enf/3004 dated 25th May 1968 was issued asking them to show cause within 15 days as to why the said licences issued in their favour should not be cancelled in terms of clause 9 sub-clause (cc) on the ground that this office is satisfied that the licences in question will not serve the purpose for which they have been granted.

3. The aforesaid show cause notice despatched to M/s. Sri Das Frame Industries Co-operative Society Ltd., Nagpur has been received back from the postal authorities with the remarks "Left".

4. The undersigned has carefully examined the case and has come to the conclusion that the licences in question will not serve the purpose for which they have been granted.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore the undersigned in exercise of the powers vested in him under clause 9 sub-clause (cc) of the Imports (Control) Order 1955 hereby cancel the licences Nos. P/SS/1563114 and P/SS/1563115 both dated 13th February 1968 for Rs. 2000/- and Rs. 1300/- respectively issued in favour of M/s. Shri Das Frame Industrial Co-operative Society Ltd.

M/s. Sri Das Frame Industrial Co-operative Society Ltd.,
Lakadganj Layout, Near Kadabi Bazar.
Nagpur, Maharashtra State.

[No. 1/71/68/Av./Enf.]

B. C. BANERJEE,

Dy Chief Controller of Imports & Exports,
for Jt. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 22nd July 1968

S.O. 2790.—In exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, dated the 7th December, 1955, as amended, the undersigned hereby cancels both the Customs Purposes Copy and Exchange Control Copy of Import Licence, Number G/RC/2086417[CXX]26[CH]25, dated 24th November 1967, for the importation of 2 Numbers SKF Roller Bearing Type Number NU/430/MC, 4, falling under S. No. 19(2)(1)(b)/II, of I.T.C. Schedule valued at Rs. 1963/-, issued in favour of M/s. SKF. Ball Bearing Co., Pvt. Ltd., Bombay.

The reason for its cancellation is that the Railways have cancelled their Purchase Order against which the licence was issued. A fresh Purchase Order on the same party has also

been issued by the Railways combining the value and quantity of the cancelled Railway Order.

[No. 25-S/RLY/67-68/GLS/180.]

S. A. SESHAN,

Dy. Chief Controller of Imports & Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 22nd July 1968

S.O. 2791.—A licence No. P/SS/1607878/C dated 26th September, 1967 of the value of Rs. 2123 for the import of Copper, Zinc and Tin was issued to M/s. Kalka Industries, Shed No. 6, Industrial Estate, P. O. Haryana, Distt. Hoshiarpur subject to the condition that all items of goods imported under it shall be used only in the licence holder's factory and no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. K-18/67/ENF/CLA/1732 dated 22nd May, 1968, was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licence will not serve the purpose for which it was issued in terms of Clause 9, sub clause (cc).

3. The said show cause notice sent to M/s. Kalka Industries, Shed No. 6, Industrial Estate, P. O. Haryana, Distt. Hoshiarpur has been received back undelivered with the remarks of the Postal Authorities "No such firm."

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1607878/C dated 26th September, 1967 for Rs. 2123 issued in favour of M/s. Kalka Industries, Shed No. 6, Industrial Estate, P. O. Haryana, Distt. Hoshiarpur.

M/s. Kalka Industries, Shed No. 6,
Industrial Estate, P.O. Haryana, Distt. Hoshiarpur.

[No. K-18/67/ENF/CLA/3437.]

J. S. BEDI,

Jt. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)

New Delhi, the 25th July 1968

S.O. 2792.—The Director Dnyana Prabodhinee, Poona was granted a Customs Clearance Permit No. P/CC/2359706/N/YY/26/C/H dated 20th February, 1968 for the import of condenser paper 4.5 tons and clophane 2000 kg. They applied for the issue of a duplicate copy of the said customs clearance permit on the ground that the said original C.C.P. had been damaged and mutilated. Hence a duplicate copy of the said C.C.P. bearing No. D 2460395 dated 1st July, 1968 was issued to the licensee.

(2) The licensee, after the issue of the duplicate copy of the original customs clearance permit approached us saying that the original C.C.P. No. P/CC/2359706/N/YY/26/C/H dated 20th February, 1968 was lost/misplaced. It is further stated that the original C.C.P. was not registered with any of the Customs Authorities and utilised at all.

(3) In support of this contention, the applicant has filed an affidavit, I am accordingly satisfied that the original customs clearance permit has been lost/misplaced. Therefore, in exercise of the powers conferred under sub-clause 9 (cc) of the Import (Control) Order 1955 dated 7th December, 1955 as amended, the said original C.C.P. No. P/CC/2359706/N/YY/26/C/H dated 20th February, 1968 issued to M/s. Dnyana Prabodhinee, Poona is hereby cancelled.

[No. F. Misc/15/67-68/ILS.]

S. K. USMANI,

Dy. Chief Controller of Imports and Exports.

MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

ERRATUM

New Delhi, the 24th July 1968

S.O. 2793.—In the Schedule to the notification of the Government of India in the Ministry of Steel, Mines and Metals (Department of Mines and Metals), No. S.O. 1353, dated the 6th April, 1968, published at pages 1845 to 1846 of the Gazette of India Part II—Section 3 Sub-section (ii), dated the 20th April, 1968,—

- (i) at page 1845, in the Schedule, under the heading "Sub-Block 'A'" in the Table, in the column headings, for "District and Tahsil Remarks", read "District and Tahsil Area Remarks";
- (ii) at page 1846, in line 11, for "village Sovapur", read "Village Sorapur".

[No. C2-22(2)/65.]

RAM SAHAY, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEV. & COOPERATION

(Department of Agriculture)

New Delhi, the 24th July, 1968

S.O. 2794.—In pursuance of sub-section (1) of section 15 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) the Central Government, on the advice of the Animal Welfare Board, hereby appoints Shri G. Ramachandran, M.P. Rajya Sabha and Pandit Shiv Sharma, Member, Lok Sabha, as members of the Committee for Controlling and Supervising Experiments on Animals with effect from the 29th March, 1968; and makes the following amendments to the notification of the Government of India in the Ministry of Food, Agriculture, Community Dev. and Cooperation (Department of Agriculture) No. S.O. 1023 dated 23rd March, 1968 namely;

In the said notification after item 14 and the entries relating thereto, the following items and entries shall be inserted namely;

- 15. Shri G. Ramachandran, Member Rajya Sabha, 191, South Avenue, New Delhi.
- 16. Pandit Shiv Sharma, Member Lok Sabha, D2/82 Pandara Road, New Delhi.

[No. 19-2/67-L.D.III.]

SANTOKH SINGH, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING & URBAN DEVELOPMENT

(Deptt. of Health & U. D.)

New Delhi, the 23rd July 1968

S.O. 2795.—In pursuance of clause (d) of rule 2 of the Indian Medical Council (Election of Licentiates) Rules, 1965, published with the notification of the Government of India in the late Ministry of Health No. G.S.R. 216 dated the 5th February, 1965, the Central Government hereby appoints Dr. P. K. Mishra, Assistant Director General (U.T.) in place of Dr. M. J. H. Writer as "Returning Officer" for the conduct of election of members to the Medical Council of India under clause (d) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956).

[No. F. 4-3/65-MPT.]

B. S. SINGH, Dy. Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 20th July 1968

S.O. 2796.—In exercise of the powers conferred by Section 9 of the Indian Post Office Act, 1898 (6 of 1898), the Central Government hereby makes the following rules further to amend the Indian Post Office Rules, 1933, namely:—

1. These rules may be called the Indian Post Office (Ninth Amendment) Rules, 1968.

2. In rule 30 of the Indian Post Office Rules, 1933, in the Note to sub-rule (3), for the words "fresh enquiries as in the case of first registration shall be necessary and a fresh registration number shall be allotted in such case", the words "it shall be treated as a fresh application" shall be substituted.

[No. 5/1/68-CL]

V. E. ARUNACHALAM,
Director Postal Technical.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 16th July 1968

S.O. 2797/IDRA/6/16.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Machine Tools, in place of members appointed under the late Ministry of Industry and Supply Order No. 3584 dated the 9th November, 1965 as amended from time to time, whose tenure of office has expired by efflux of time or otherwise:—

Development Council for Machine Tools

1. Shri D. S. Mulla, Express Building (1st Floor), Churchgate, Bombay 1—
CHAIRMAN.
2. Shri S. M. Patil, Managing Director, Hindustan Machine Tools Ltd., P. O. HMT, Bangalore-31.
3. Shri A. K. Ghosh, General Manager, Heavy Machine Tools Plant, Heavy Engineering Corporation, Ranchi-4.
4. Dr. C. A. Phalnikar, Mysore Kirloskar Ltd., P. O. Yantrapur, Harihar (Mysore State).
5. Shri Vinod L. Doshi, Director, Cooper Engineering Ltd., Construction House, Wittet Road, Ballard Estate, Bombay-1.
6. Shri C. B. Saran, Ex-Cell-O India Ltd., 78-B, Dr. Annie Besant Road, Bombay-18.
7. Shri D. C. Khanna, Prem Engineering Works, 22-Okhla Industrial Estate, New Delhi-20.
8. Shri S. Raha, Engel India Machines and Tools Ltd., 6, Old Post Office Street, Calcutta-1.
9. Mr. E. W. H. Scaife, Machine Tools (India) Private Ltd., Wimet House, Russell Street, Calcutta-16.
10. Shri Amitava Palchoudhuri, Director, Small Tools Manufacturing Co. of India Ltd., P-17, Mission Row Extension, Calcutta-13.
11. Shri M. M. Muthiah, Carborundum Universal Ltd., Tiam House, 11/12, North Beach Road, P. B. No. 1677, Madras-1.
12. Shri K. K. Jhalani, Gedore Tools (India) Private Ltd., 151, Golf Links, P. B. No. 3027, New Delhi-3.

13. Shri H. K. Firodia, Bombay-Poona Road, Chinchwad, Poona-19.
 14. Shri V. Nimbkar, Honorary Presidency Magistrate, The Amerind, Fifteenth Road, Khar, Bombay-52.
 15. Shri O. P. Dhanda, Dhanda Engineers Private Ltd., Industrial Area, Faridabad (Haryana).
 16. Shri Ramanathan Palaniappan, Productivity Elements Private Ltd., B-14, Ambattur Industrial Estate, Madras-58.
 17. Shri G. N. Mehra, Deputy Secretary, Min. of I. D. & C. A. Department of Industrial Development, Udyog Bhavan, New Delhi.
 18. Shri M. V. Patankar, Director (Mech. Engg.), Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg., New Delhi-1.
 19. Shri P. C. Kapur, Director of Inspection, Directorate General of Supplies and Disposals, (Inspection Wing), Parliament Street, New Delhi.
 20. Shri K. S. Sankaranarayanan, Technical Adviser, (Engg.), Indian Investment Centre, National Insurance Building, Parliament Street, New Delhi-1.
 21. Shri G. S. Choudhury, Director, Regional Research Laboratory (C.S.I.R.), Bhubaneswar.
 22. Shri R. K. Gejji, Industrial Adviser, Directorate General of Technical Development, Udyog Bhavan, New Delhi.
 23. Shri R. N. Basu, Development Officer, Directorate General of Technical Development, Udyog Bhavan, New Delhi.
2. Shri R. N. Basu, Development Officer, Directorate General of Technical Development, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. F. 4-35/67-MT.]

R. V. SUBRAHMANYAN, Jt. Secy.,

औद्योगिक विकास तथा सभवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 16 जुलाई 1968

एस० ओ० 2798/आई० डी० आर० ए०/6/16.—उद्योग (विकास तथा नियमन) अधिनियम, 1951 (1951 का 65) के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा विकास परिषदें (कार्य-विधि संबंधी) नियम, 1952 के नियम, 2, 4 और 5 के साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा मशीनी औजारों के निर्माण या उत्पादन में लगे अनुसूचित उद्योगों की विकास परिषद में उन सदस्यों के स्थान पर, जिनकी नियुक्ति भूतपूर्व उद्योग तथा संभरण मंत्रालय के आदेश संख्या 3584 दिनांक 9 नवम्बर, 1965 के अन्तर्गत की गई थी, जिसमें समय-समय पर संशोधन किया गया, कार्यकाल समाप्त हो जाने अथवा अन्य किसी कारण से यह आदेश जारी किये जाने की तारीख से निम्नलिखित व्यक्तियों को दो वर्षों की अवधि के लिये सदस्य नियुक्त करती है :—

मशीनी औजारों की विकास परिषद

1. श्री डी० एस० मुल्ला, एक्सप्रेस बिल्डिंग (फर्स्ट फ्लोर), चर्चगेट, बम्बई-1—अध्यक्ष
2. श्री एस० एम० पाटिल, प्रबन्ध निदेशक, हिन्दुस्तान मशीन टूल्स लि०, डाकघर—जलहाली, बंगलौर-31 ।
3. श्री ए० के० घोष, महा प्रबन्धक, भारी मशीनी औजार संयंत्र, हेवी इंजीनियरिंग कारपोरेशन, रांची-4 ।

4. डा० सी० ए० फलनीकर, मैसूर जिल्लाकार लि०, डाकवर—यन्त्रपुर, हरिहर—(मैसूर राज्य) ।
5. श्री विनोद एल० दोषी, निदेशक, कूपर इंजीनियरिंग लि०, कान्स्ट्रक्शन हाउस, विटेट रोड, बलार्ड एस्टेट, बम्बई-1 ।
6. श्री सी० बी० सरन, एक्स सेल-ग्रो० इण्डिया लि०, 78 बी, डा० ऐनी बेसेंट रोड, बम्बई-18 ।
7. श्री डी० सी० खन्ना, प्रेम इंजीनियरिंग वर्क्स 22, ओखला औद्योगिक बस्ती, नई दिल्ली-20 ।
8. श्री एस० राहा, ईगल इण्डिया मशीन्स ऐण्ड टूल्स लि०, 6, ओल्ड पोस्ट आफिस स्ट्रीट, कलकत्ता-1 ।
9. श्री ई० डब्ल्यू० एच० सियाफे, मशीन टूल्स (इण्डिया) प्रा० लि०, विमेट हाउस, रसेल स्ट्रीट, कलकत्ता-16 ।
10. श्री अमिताव पालचौधरी, निदेशक, स्माल टूल्स मेन्युफैक्चरिंग कं० ग्राफ इण्डिया लि०, कलकत्ता-13 ।
11. श्री एस० एम० भुतिया, कार्बार्न्डम यूनिवर्सल लि०, तियाम हाउस, 11/12, नार्थ बीच रोड, पो० बा० नं० 1677, मद्रास-1 ।
12. श्री के० के० झलानी, गेडोर टूल्स (इण्डिया) प्रा० लि०, 151 गोल्फ लिक्स, पो० बा० नं० 3027, नई दिल्ली-3 ।
13. श्री एच० के० फिरोदिया, बम्बई—पूना रोड, चिचवाड, पूना—19 ।
14. श्री बी० निम्बकार, अवैतनिक प्रेसीडेंसी मजिस्ट्रेट, दि अमेरिकन, फिफटीन्थ रोड, खार, बम्बई-52 ।
15. श्री ओ० पी० डांडा, डांडा इंजीनियर्स प्रा० लि०, औद्योगिक क्षेत्र, फरीदाबाद (हरियाणा) ।
16. श्री रामनाथन पलनीप्पम, प्रोडक्टीविटी एलिमेंट्स प्रा० लि०, बी-14 अम्बालूर औद्योगिक बस्ती, मद्रास-58 ।
17. श्री जी० एन० मेहरा, उप-सचिव, औद्योगिक विकास तथा समवाय-कार्य मंत्रालय, (औद्योगिक विकास विभाग), नई दिल्ली ।
18. श्री एम० बी० पाटंकर, निदेशक (यान्त्रिक इंजी०) भारतीय मानक संस्था, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-1 ।
19. श्री पी० सी० कपूर, निरीक्षण निदेशक, पूर्ति एवं निपटान का महानिदेशालय (निरीक्षण स्कन्ध), पार्लियामेंट स्ट्रीट, नई दिल्ली ।
20. श्री के० एस० शंकरनारायणन, तकनीकी सलाहकार (इंजीनियरी), भारतीय विनियोजन केन्द्र, नेशनल इंडस्ट्रीज बिल्डिंग, पार्लियामेंट स्ट्रीट, नई दिल्ली-1 ।
21. श्री जी० एस० चौधरी, निदेशक, प्रादेशिक अनुसंधान प्रयोगशाला (सी० एस० आई० आर०), भुवनेश्वर ।
22. श्री आर० के० गज्जी, औद्योगिक सलाहकार, तकनीकी विकास का महा-निदेशालय, उद्योग भवन, नई दिल्ली ।

23. श्री आर० एन० बसु, विकास अधिकारी, तकनीकी विकास का महा-निदेशालय, उद्योग भवन, नई दिल्ली ।

2. श्री आर० एन० बसु, विकास अधिकारी, तकनीकी विकास का महा-निदेशालय, नई दिल्ली को एतद्वारा कार्य चलाने के लिये उपरोक्त विकास परिषद का सचिव नियुक्त किया जाता है ।

[No. 4-35/67-एम०टी०.]

आर० पी० गुब्रह्माण्यम, संयुक्त सचिव ।

(Department of Industrial Development)

(INDIAN STANDARDS INSTITUTION)

CORRIGENDUM

New Delhi, the 19th July 1968

S.O. 2799.—In the Indian Standards Institution notification, published in the Gazette of India, Part II, Section 3(ii) dated 22nd June 1968, under number S.O. 2179 dated 6th June 1968, the following amendment may please be made :

Schedule, cols 3 and 4—Substitute the letter and figures 'D-3.3' for 'A-3.3'.

[No. CMD/13:4.]

(Dr.SADGOPAL,Dy.Director General.

MINISTRY OF INFORMATION AND BROADCASTING

CORRIGENDUM

New Delhi, the 25th July 1968

S.O. 2800.—In the Notification of the Government of India in the Ministry of Information and Broadcasting No. 2987 dated the 19th August, 1967 published in Part II Section 3, sub-section(ii) of the Gazette of India dated the 2nd September, 1967, at page 3120 for "SHRIMATI ABU SAYEED" read "SHRIMATI GOURI AYYUB".

[No. 11/1/68-F(C).]

H. B. KANSAL, Under Secy.

सूचना और प्रसारण मंत्रालय

शुद्धि पत्र

नई दिल्ली, 25 जुलाई 1968

एस० ओ० 2801.—भारत सरकार, सूचना और प्रसारण मंत्रालय की अधिसूचना संख्या एस० ओ० 2987, तारीख 19 अगस्त, 1967, जो 2 सितम्बर, 1967 के भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) में पृष्ठ 3120 में प्रकाशित हुई थी, में "श्रीमती अबू सईद अय्यूब" के स्थान पर "श्रीमती गौरी अय्यूब" पढ़िये ।

[संख्या 11/1/68-एफ(सी).]

हरि बाबू कंसल, अवसर सचिव ।

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour and Employment)

New Delhi, the 23rd July 1968

S.O. 2802.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959 the same having been previously published as required by the said sub-section, namely:—

Amendment Scheme

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Second Amendment Scheme, 1968.

2. In clause 30 of the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in sub-clause (1) for the sentence beginning with the words "A worker in the reserve pool register" and ending with the words "minimum number of twelve days in a month", the following shall be substituted, namely:—

"A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rates, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs or to such other category as may be decided by the Board, even though no work is found for him for the minimum of twelve days in a month".

[No. 56/9/68/Fac.II.]

New Delhi, the 24th July 1968

S.O. 2803.—In pursuance of section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator, in the industrial dispute between the employers in relation to Messrs Darabshaw B. Gursetjee's Sons, Bombay and their workmen, which was received by the Central Government on the 20th July, 1968.

BEFORE SHRI SALIM M. MERCHANT, ARBITRATOR

Arbitration under Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947) in the industrial dispute

BETWEEN

the employers in relation to Messrs. Darabshaw B. Gursetjee's Sons, Bombay

AND

their workmen represented by the Transport and Dock Workers' Union, Bombay.

APPEARANCES:—

For the Employers.—1. Shri K. M. Jamadar, Labour Advisor, 2. Shri Rodrigues, Executive Officer, 3. Shri D. B. Dubash, Partner.

For the Workmen.—1. Shri S. R. Kulkarani, Secretary with 2. Shri K. A. Khan Secretary for the Transport and Dock Workers' Union.

INDUSTRY.—Major Ports.

STATE.—Maharashtra.

Dated at Bombay the 29th June 1968

AWARD

1. By an Agreement under Section 10A of the Industrial Disputes Act, 1947 (Act 14 of 1947), entered into between M/s. Darabshaw B. Gursetjee's Sons and the Transport and Dock Workers' Union, Bombay, representing their workmen, the parties above-named agreed to refer the following industrial dispute to my arbitration:—

"Whether the claim of the Dock clerks of M/s. Darabshaw B. Gursetjee's Sons, for Acting Allowance is justified in respect of all import vessels handled by the Company and where the Company has not employed Assistant Supervisors. If so, from what date the arrears of Acting Allowance should be paid?"

2. This Arbitration Agreement was, under the pursuance of sub-section (3) of Section 10A of the said Act, published by the Central Government by its Order No. 28/92/67-LRIII dated 14th September, 1967.

3. Thereafter, I issued notice upon the parties, dated 29th September, 1967 to file their written statements, which both parties did after which the dispute was taken for hearing and at the adjourned hearing on 21st June, 1968, the parties filed a joint application recording the terms of settlement reached between them (copy of which is annexed hereto and marked Annexure 'A'), and prayed that an Award be made in terms thereof.

4. As I am satisfied that the terms of settlement are fair and reasonable, I make an Award in terms of the settlement recorded in Annexure 'A' to this Award which shall form part of the Award.

No order as to costs between the parties.

This Award is submitted to Government for publication.

(Sd.) SALIM M. MERCHANT,
Arbitrator.

ANNEXURE 'A'

BEFORE SHRI SALIM M. MERCHANT, ARBITRATOR.

Arbitration in the Industrial Dispute

BETWEEN

M/s. Darabshaw B. Cursetjee's Sons, Bombay,

AND

Their workmen employed under them represented by the Transport & Dock Workers' Union, Bombay.

In the matter of employment of Asstt. Supervisors and payment of acting allowance to the dock clerks.

May it please the Honourable Arbitrator.

The parties to the above reference have arrived at the following agreement in respect of the demand in the matter of employing assistant Supervisors and paying acting allowance to Dock clerks and pray that an Award be made in terms of this agreement.

Terms of Agreement

1. The parties agree that on each import vessel, excepting that discharging bulk and hazardous cargo, the management shall employ assistant Supervisor, if available, to assist the Supervisor or employ a Dock clerk to act as Assistant Supervisors.

2. The parties further agree that the Dock clerk made to act as Assistant Supervisor shall be paid acting allowance.

3. The parties agree that the management shall pay such of these Dock clerks who were not paid acting allowance on import vessels as agreed to above, such acting allowance with retrospective effect from 1st January 1968.

4. It is further agreed that wherever a Dock clerk is made to officiate as Assistant Supervisor, no additional Dock clerk shall be employed on import vessel.

5. For the purpose of acting chances as Assistant Supervisor, preference shall be given to the senior most Dock clerk in a shift.

6. The present practice of employing Assistant Supervisor when available, and/or dock clerk as acting assistant supervisor on all import and export vessels shall continue.

For the Transport and Dock Workers'

For Darabshaw B. Cursetjee's
Sons, Bombay,

(Sd.) Illegible

(Sd.) Illegible

Secretary

Partner

Filed before me.

(Sd.) SALIM M. MERCHANT,
Arbitrator.

BOMBAY.

Dated, the 21st June, 1968.

[No. 28(92)/67-LR.III.]

ORDERS

New Delhi, the 24th July 1968

S.O. 2804.—Whereas the Central Government is of opinion that an Industrial dispute exist between the employers in relation to Messrs Moosa Services and Company, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

"Whether the termination of the services of S/Shri M. R. Mascarenhas, J, Fernandes and Sadruddin Amjuddin, Watchmen, with effect from 26th October 1967, 26th October 1967 and 23rd November 1967 respectively by the management of Messrs Moosa Services Company, Bombay, was justified? If not, to what relief are the workmen entitled?"

[No. 28/29/68-LR-III.]

New Delhi, the 5th August 1968

S.O. 2805.—Whereas an industrial dispute exists between the employers in relation to the Paradip Port Trust, Paradip and their workmen represented by Paradip Port Workers' Union Paradip

And whereas the said employers and their workmen have, by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government, under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement

Now, Therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received buy it on the 19th July, 1968.

Agreement

Under section 10A of the Industrial Disputes Act, 1947.

BETWEEN

Name of Parties

- | | |
|----------------------------------------|---------------------------------------------------|
| Representing employers | 1. Chairman, Paradip Port Turst, |
| | 2. Secretary, Paradip Port Trust. |
| Representing Workmen/Workman | 1. President, Paradip Port Workers' Union, |
| | 2. General Secretary, Paradip Port Workers Union. |

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri O. V. Katachalam, Chief Labour Commissioner (Central), New Delhi.

- (i) Specific matters in dispute (i) Whether the management have correctly implemented the following recorded decisions taken during the discussion held on 12-7-1967 between the management of Paradip Port and the General Secretary, All India Ports and Dock Workers Federation in fixing the pay of Wiremen and Linemen :

"At present there are two scales of pay for wiremen and a separate scale of Rs. 80-110 for junior Wiremen. It was decided to check up if the Junior Wiremen possess a licence from the State Licencing Board. If it is found that they possess the necessary licence, they should be taken in as Grade III Wiremen.

The three grades of Wiremen should be in three different scales of pay *viz.*, Rs. 110-131, Rs. 125-155 and Rs. 150-18 .

* * * * *

104, 105 and 106 *lineman*: It was recommended that there should be three different scales of pay in the case of Electrician instead of two scales already approved by the M.O.T. & S."

If not, to what relief are the workmen concerned entitled and from which date?

- (2) From which date Khalasis redesignated as Helpers are entitled to new scale of pay Rs. 70-95 with a starting pay of Rs. 75/-.
- (3) If the workmen who have lost in their basic pay consequent upon the change over from the State Government scale to Central Government scale on 1-6-1966 are entitled to protection of their basic pay and if so, whether the concession suggested by the management as per Board's proceedings dated 22-4-1968 is adequate. If not, to what relief they are entitled?

- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved

(a) Paradip Port Trust, P.O. Paradip Port Distt. Cuttack, Orissa.

(b) Paradip Port Workers' Union, P.O. Paradip Port Distt. Cuttack (Orissa).

Name and address of the Establishment :

Paradip Port, P.O. Paradip Port, Distt. Cuttack (Orissa).

- (iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question.

Paradip Port Workers' Union.

- (iv) Total number of workmen employed in the undertaking affected. About 1300.

- (v) Estimated number of workmen affected or likely to be affected by the dispute. About 220.

The arbitrator shall make his award within a period of THREE MONTHS or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signatures of the Parties.

Representing Employers :

1. (Sd.) B. DAS,
Chairman,
Paradip Port Trust.
2. (Sd.) N. CHOUDHURY,
Secretary,
Paradip Port Trust.

Representing Workmen :

1. (Sd.) N. KHUNTIA,
President,
Paradip Port Workers Union.
2. (Sd.) S. K. BHATTACHARYA,
General Secy,
Paradip Port Workers Union.

Witnesses :

- (1) Sd/- Illegible,—10-7-68.
- (2) Sd/- Illegible,—10-7-68.

[No. 28(36)/68-LRIII.]

C. RAMDAS, Under Secy.

(Department of Labour and Employment)

New Delhi, the 2nd August 1968

S.O. 2806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad in the matter of three applications under Section 33A of the said Act from Shri N. Devanandam and nine others, Shri Somichetty Narsiah and twenty two others and Shri Barla Simhadri and twelve others, Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh), which was received by the Central Government on the 29th July, 1968.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION NOS. 156 OF 1967 AND 69 AND 75 OF 1968.

IN

INDUSTRIAL DISPUTES NO. 30 OF 1967

BETWEEN

I. M. P. No. 156/67:

1. N. Devanandam.
2. Erram Ramanatham.
3. Valda Malliah.
4. Bonal Narsiah.
5. Edunur Venkataiah.
6. K. Ramuloo.
7. Shaik Madarsob.
8. Edla Kanthiah.
9. Madasi Gopal.
10. Madipalli Malliah.

Mason Mazdoors of V. K. No. 7 Incline—*Petitioners*.

AND

The General Manager, Singareni Collieries Co. Ltd., Kothagudium Collieries, P.O. Kothagudium.—*Respondent*.

II. M.P. No. 69/67:

1. Somichetty Narsiah.
2. Kandurthy Venket Reddy.
3. Bobbili Odeloo.
4. Kodrapaka Narayana.
5. Thummala Mallaiah.
6. P. Narsiah.
7. Goundla Somaiah.
8. Chinthala Laxamaiah.
9. T. Anantha Ramuloo.
10. Samala Sadanandam.
11. Gundety Narsaiah.
12. Gattoo Rajam.
13. N. Venkaty.
14. Regada Ramaswamy.
15. Koppula Ramarao.
16. Khaja Mohinuddien.

17. Manelala Ramloo.
18. V. Satyanarayana.
19. Banath Mansing.
20. Santtnala Narayana.
21. Gudi Palli Lingajiah.
22. B. Venkatti.
23. K. Narayana.

Mazdoors of 8 and 11 Incline and 9 and 10 Incline in S. C. Co. Ltd., Rudrumpur Division.—*Petitioners.*

AND

The General Manager, S. C. Co. Ltd., Kothagudem P.O., Khammam Dist.—*Respondent.*

111. M.P. No. 75/68:

1. Barla Simhadri.
2. G. Rageeru.
3. Hary Prasad.
4. Mulugoon Rajam.
5. Gollapally Shanker.
6. Evagandula Komarajah.
7. Inbbepally Rajalingam.
8. Kannan.
9. Penka Lowa Rajam
10. Eligety Rajam.
11. Jakem Dharmapuri.
12. Macherla Anandam.
13. Mekola Rajalingoo.

Category—I mazdoors of 8 and 11 Inclines and 9 and 10 Inclines of S.C. Co. Ltd., Rudrampur.—*Petitioners.*

AND

The General Manager, Singareni Collieries Co. Ltd., P.O. Kothagudium, Khammam Dist.—*Respondents.*

APPEARANCES

Sri B. Ramalingeswara Rao, Advocate, for the petitioners in the three Misc. Petitions.

Messrs. P. Jayachandra Rao, Divisional Personnel Officer, S. C. Co. Ltd., and Shri K. Srinivasamurthy, Hon. Secretary, Federation of A. P. Chamber of Commerce and Industry, Hyderabad for the respondent in each of the 3 Misc. Petitions.

AWARD

These three applications are under Section 33A of the Industrial Disputes Act. It is convenient and feasible to dispose of these three applications by a single award because the point to be decided is common. There are ten applicants, Devadanam and 9 others, in M.P. No. 156/67. There are 23 applicants, Chittala Laxmiah and 22 others, in M.P. No. 69/68. There are 13 applicants, Barla Simhadri and 12 others, in M.P. No. 75/68. The respondent in these three applications is the Management of the Singareni Collieries Company Ltd., Kothagudem. In all there are 45 applicants put together in these three applications.

2. The ten applicants in M.P. No. 156/67 were, by order dated 21st August, 1967, appointed as temporary mazdoors on Category I wages for a period of 24 months commencing from 22nd August and ending on 4th November, 1967. It is specifically provided at the end of the order that their services would stand automatically terminated from 5th November, 1967. By order dated 26th September, 1967 twenty persons were appointed as temporary mazdoors with effect from 27th, and it is stated therein that their services stand automatically terminated on completion of the work. By order dated 28th September, 1967 the Management had appointed 10 persons as temporary mazdoors for

tunnelling work for a period of 3 months commencing from 3rd October. The 23 applicants in M.P. No. 69/68 are from among the persons whose names are listed in the two orders mentioned above. By order dated 25th September, 1967 the Management had appointed 12 persons as temporary mazdoors with effect from the same date for a period of three months, and it is stated therein that on the expiry of that period their services would stand automatically terminated. Nine of them are among the 13 applicants in M.P. No. 75/68. Any of the remaining four are not in that order. The various orders mentioned by me above are before me produced by the Management's representative.

3. It will be noted that as per order dated 21st August, 1967 the services of the applicants in M.P. No. 156/67, stand automatically terminated from 4th November, 1967. It will be seen that as per order dated 26th September, 1967 in respect of some of the applicants in M.P. No. 69/68, their services would stand automatically terminated on completion of the tunnelling work. It is stated in this application that their services were terminated on 13th November, 1967. It means that the tunnelling work was completed on that date. In respect of the remaining applicants in M.P. No. 69/68, the order dated 28th September, 1967 said that their appointment was for a period of 3 months as mazdoors on temporary basis for tunnelling work for a period of 3 months commencing from 3rd October. It means that the three months period would expire on 3rd January, 1968. I have pointed out that nine of the applicants in M.P. No. 75/68, were appointed temporarily for a period of three months with effect from 25th September, and that the said order provides that on the expiry of that period their services would stand terminated automatically. The expiry of that three month period would take us to 25th December, 1967. The points of the expiry of the periods specified in the several above-said orders fall during the period subsequent to the reference in I.D. No. 30/67. The date of the reference is 30th October, 1967.

4. The case of the applicants in these three applications is that they had been in continuous service for a period of nearly 200 days and that therefore they were permanent workmen. Termination of services following the reference in the dispute in I.D. No. 30/67 is characterised as violation of the provisions of section 33. It is therefore prayed that the Tribunal may "decide the complaint set out and pass such orders as it may deem fit and proper." The Management filed counter in each of the three applications pointing out that the different sets of applicants were appointed for specified periods, that there was no continuity of service and that their services stood terminated when the purpose was over or after the expiry of the periods specified in the orders themselves appointing them. That being so, the Management points out that it did nothing which could be said to be violative of the provisions of section 33 of the I.D. Act.

5. It will be noticed that, as I pointed out earlier, the points of time at which the services of the different sets of applicants stood terminated were subsequent to the reference in the dispute in I.D. No. 30/67 the date of the reference therein being 30th October, 1967. Now the question to be considered is whether for that reason it was necessary for the Management to have made applications under the proviso to sub-section 2(b) of Section 33 of the Act and whether the non-compliance of the twin directive contained in the said proviso would constitute violation of the provisions of Section 33. Mr. Ramalingeswararao for the applicants contended that there was such violation because there was termination of services of these applicants subsequent to the reference of the dispute in I.D. No. 30/67. On the other hand, Mr. K. Srinivasamurthy for the Management pointed out that when the points of time for the cessation of services are provided in the orders themselves appointing the applicants as temporary mazdoors, all of which orders being of dates prior to the date of the reference, there was no question of violation of the provision of Section 33. As seen from the various orders that had been placed before me by the Management's representative, it would seem that these applicants were being appointed for specified periods even during the period anterior to the points of time specified in the various orders which I had referred to above. While so, the Management had been terminating the services of the applicants after the specified periods had expired. That it was so done by the Management is admitted by the applicants themselves in their applications. As against this circumstances as admitted in the applications themselves. Mr. Ramalingeswararao would contend that there was continuity of service of these applicants from about the middle of the year 1966 and that therefore they were permanent workmen; and the learned Advocate went on to characterise the various orders appointing the applicants as temporary mazdoors for specified periods as mere colourable orders so that the applicants may be deprived of claim to permanency of employment. These are questions that have to be gone into in a dispute after any such claim by the workers has gone through the prescribed grievance procedure and through the conciliation procedure. The simple question to be decided in these three applications is whether there has been violation of the provisions of Section 33 in that the services of the applicants had stood terminated at points of time subsequent to the date of the reference in the dispute in I.D. No. 30/67, the date of the reference being 30th October. Mr. Srinivasamurthy for the Management

cited case law. Imperial Chemical Industries (India) Ltd., v. Chunilal (1957 (II) LLJ 153) was a case in which notice of termination of services effective from a particular date was given before the reference of a dispute, but the date from which the services would stand terminated being subsequent to the reference of the dispute which was made meanwhile. The Labour Appellate Tribunal of India consisting of Mr. N. Govindan as President and of Mr. Saleem Merchant as Member held that the fact of the date from which the services were to stand terminated falling subsequent to the date of reference would not give to the aggrieved worker a cause of action to complain under Section 33A because there was no overt act on the part of the employer subsequent to the reference, any such overt act being prior to the reference when he made the order terminating the services from a future date. A similar view was taken by the same Bench in Staff of Kerala Balers Ltd. v. Kerala Balers Ltd. (IX F. J.R. page 175). What happened in the instant cases is exactly what was decided in the two above mentioned decisions. All the orders we have in respect of the applicants in these three applications appointing them as temporary mazdoors have in themselves provided the points of time at which their services would stand automatically terminated. And those points of time happened to be beyond the date of reference in the dispute which was meanwhile referred to me by the Government of India. That being so, and following the two decisions of the Labour Appellate Tribunal of India, I hold that there was no violation of the provisions of Section 33 by the Management of the Singareni Collieries Company Ltd.

6. There is no cause of complaint for any of the applicants in the three applications under consideration under Section 33A. Therefore any relief cannot be granted to them in these applications under Section 33A. The applications are rejected.

Award passed accordingly.

Given under my hand and the seal of the Tribunal, this the 17th day of July, 1963.

(Sd.) M. NAJIMUDDIN, Industrial Tribunal.

[No. 7/21/67-LR.II.]

New Delhi, the 6th August 1968

S.O. 2807.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma and their workmen which was received by the Central Government on the 26th July, 1968.

ARBITRATION AWARD

In the matter of

Associated Cement Companies Limited, Nowrozabad Colliery P. O. Nowrozabad, Madhya Pradesh.

AND

Their Workmen

represented by the Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad, Madhya Pradesh.

Pursuant to an Agreement between the parties dated 28th January, 1965, referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, Barrister-at-law, Last President, Labour Appellate Tribunal of India, residing at at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay—1.

PRESSENT:

Mr. F. Jeejeebhoy, Barrister-at-law, Arbitrator,

For the employers: Mr. I. M. Nanavati, Advocate Mr. G. L. Govil, Mr. M. S. Kapur.

For the workmen: Mr. K. B. Chougule, General Secretary; Mr. G. R. Swamy, Secretary, Nowrozabad Colliery Mazdoor Sangh, Nowrozabad.

AWARD

Whereas by an Agreement between The Associated Cement Companies Ltd., Nowrozabad Colliery on the one hand and their workmen represented by the Nowrozabad Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal, Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, Barrister-at-law, Last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', 160, Queen's Road, Churchgate Reclamation, Bombay-1.

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them.

And whereas the said Agreement which was made under Section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 20th February 1965 being S.O. No. 646 at pages 733 to 737.

And whereas the hearing in respect of the issue regarding:—

"Whether the action of the Management of Nowrozabad Colliery of Messrs. Associated Cement Companies Limited, in installing only one weighbridge at the Washery for all the three inclines of the Colliery is in due conformity and compliance with the letter and spirit of the terms of agreement, dated 24th March 1960 and forming a part of the compromise award, dated 31st March 1960 passed by the Central Government Additional Industrial Tribunal Bombay, in Reference No. 1 of 1960? If not, to what relief are the concerned miners are entitled?"

has been completed.

Now, therefore, the said F. Jeejeebhoy, Barrister-at-law, as such Arbitrator do hereby make the following Award in respect of the aforesaid issue in terms of the said Arbitration Agreement:—

1. The Associated Cement Companies Ltd., has two Collieries namely, the Nowrozabad and the Kotma Collieries in Madhya Pradesh.

2. On 14th March 1959 the Government of India referred certain disputes raised by the workmen of Nowrozabad Colliery for adjudication to the Central Government Industrial Tribunal, Bombay, and the said Reference was numbered as Reference No. CGIT-1 of 1960. Certain disputes raised by the workmen of Kotma Colliery were also referred for adjudication by the Central Government to the Central Government Industrial Tribunal, Bombay, and the said Reference was numbered as CGIT-2 of 1960. The parties in both the said References settled most of the disputes by entering into one composite Settlement dated 24th March 1960 for both the Collieries; and by a joint petition submitted on behalf of the workmen and the Management of the said two Collieries requested the Tribunal to pass an Award in terms thereof. The Tribunal accordingly passed an Award dated 31st March 1960 in terms thereof.

3. By Clause (2) of the said Settlement the parties agreed that the then existing system of assessment output per tub would be replaced by a more scientific method of evaluation, viz., by installation of weigh bridges on the surface to weigh coal so as to avoid all disputes in future regarding the assessment of tub per miner.

4. Now by an Arbitration Agreement between the Company and the workmen of Nowrozabad Colliery dated 28th January 1965 the following dispute has been referred to me for arbitration. "Whether the action of the Management of Nowrozabad Colliery of the Associated Cement Companies Ltd., in installing only one weighbridge at the Washery for all the three inclines of the Colliery is in due conformity and compliance with the letter and spirit of the terms of Agreement dated 24th March, 1960, and forming a part of the compromise Award dated 24th March, 1960 passed by the Central Government, Additional Industrial Tribunal, Bombay, in Reference No. 1 of 1960? If not, to what relief are the concerned miners entitled?"

5. Reference No. 1 of 1960 refers to Nowrozabad Colliery with which this Award is concerned. The Reference No. 2 of 1960 relates to Kotma Colliery. The Company and the Union by their Agreement dated 24th March 1960 accepted the following arrangements as will appear in Annexure 'A' of the Union's Statement of Claim. Paragraph (2) of this Agreement states as follows:—"The parties agree that the present system of assessing output per tub be replaced by the more scientific method of evaluation, namely, by installation of weighbridges on the surface to weigh coal so as to avoid all disputes in future regarding the assessment of tub per miner. The parties agree that in order to achieve this result it is necessary to convert the rate of payment to one based on weight."

6. The Agreement proceeded to fix the rates in respect of the miners concerned. There is a Note (2) in the Agreement to the following effect:—"The workmen undertake that as far as possible a loaded tub (of 40.5 cubic feet capacity) will not be less than 20 cwt. gross as weighed at the weighbridge on the surface, and in no case will it be less than 19 cwt. gross. The workmen persistently loading less than 19 cwt. gross will render themselves liable to disciplinary action. The term "gross" shall mean the weight of the contents of the tub as it reaches the weighbridge on the surface, but tubs loaded exclusively with shale, stone, etc., shall be paid for separately at the existing rate *i.e.*, (prior to this Agreement)". We then come to Note No. 4 "Pending the installation of the weighbridges and completion of arrangements for weighment the tub will be visually assessed as heretofore (water level not at coal face, but at surface being assessed at 21 cwt.) in the presence of a Representative of the workmen at each assessment spot on the surface, and a slip containing the assessment of the weight of the contents of the tub will be handed over to each worker within 24 hours of the close of the shift."

7. The Company acting in what it considered to be in the compliance with the terms of this Agreement established a weighbridge at Nowrozabad Colliery and another weighbridge at Kotma Colliery. We are here concerned with the weighbridge at Nowrozabad. The coal from Nowrozabad Colliery is fed into the washery at Nowrozabad.

8. Prior to June 1965 the tubs from the various inclines were hauled by diesel locos up to the washery end, as the tubs' tippler was situated at that end which is the focal point. However, the Company for better functioning erected a belt conveyor from No. 4 incline to No. 6 incline, and from No. 6 incline up to the washery. This necessitated the installation of two weighbridges one, at No. 4 incline to weigh the coal tubs of inclines 1, 3, and 4 (at present), and the other at No. 6 incline to weigh the output of No. 6 incline. The weighbridge installed at No. 4 incline is the same as the one which was at the washery end prior to June 1965. One weighbridge which was surplus from the reject section of the washery was installed at No. 6 incline. The workmen contend that the installation by the Company of only one weighbridge at the washery under the Agreement was not in due conformity and compliance with the letter and spirit of the Agreement dated 24th March, 1960, and that they should have a weighbridge at each incline. The Company on the other hand submits that it had installed the one weighbridge in due conformity and compliance with the letter and the spirit of the Agreement. It is obvious that the plural "weighbridges on the surface" cannot be the determining factor in the interpretation of this Agreement, because the Agreement on the face of it refers to at least two weighbridges, one at each of the two Collieries, namely, Nowrozabad and Kotma.

9. After the Agreement had been signed on 24th March, 1960 the Company lost no time in making arrangements for the installation of the weighbridge at the washery end in Nowrozabad, and the weighbridge started functioning from June 1960. Thereafter it was not until 1st November, 1960 that Mr. Chougule wrote to the Company to the following effect:—"Under the Settlement of Reference No. 1 of 1960 the Company has undertaken to instal weighbridges on each incline, but instead you have installed only one weighbridge at the washery side. Lot of coal is taken off from the coal tubs by the workers for consumption while in transit from the incline mouths to the washery. You will please agree with us that this is bound to reduce the weight of the tubs considerably, as the average domestic consumption in the Colliery is to the tune of 2,000 tons a month. Workers are greatly suffering due to this as they are getting wages on actual weighment of tubs. Under the Settlement this was not contemplated, as the Company is supposed to bear all loss by way of shaling, and Colliery consumption. We would request you please to instal weighbridges at every incline mouth so that as soon as the tubs come out of the mines they are weighed and workers are paid accordingly. We would also request you to pay to the miners wages for 5,000 tons of coal which has been consumed so far after the weighing machine came into operation from mid-August. We hope for a very early settlement of this point as the miners are losing heavily every day." The Company says that pending the installation of the weighbridge the payment of actual wages by the Company was on the basis of 21 cwt. per tub, and yet the Company on test weighment at a platform weighing machine of some of the tubs found that their weight was far below 21 cwt. In other words they were underloaded. The Company wrote several letters to the Union on the subject. The weighing machine at the washery was installed in June 1960, but on account of certain initial difficulties the payment on the actual weight per tub could not be started till September 1960. Later the Company erected a belt conveyor from No. 4 incline (for Nos. 1, 3, and 4 inclines) to No. 6 incline, to carry the coal which was fed to the belts.

10. Mr. Chougule in his evidence has endeavoured to show that the Management had always been unreasonable and non-pliable in its relations with the Union, and that they were not well inclined towards their workmen, and tried to create trouble between

the workmen and the Union. In the issue before me the question as to whether the Management was well inclined towards Mr. Chougule's Union, or any other Union, or any other set is a matter of no relevance; for the simple reason that we are dealing with an Agreement amicably entered into by the Company and the Union; but as Mr. Nana-vati put it to Mr. Chougule, it was not a case of the Management supporting any particular Union, but by its being confronted with two sets of persons both claiming to be the mouthpiece of the workmen, leading to considerable confusion. Mr. Chougule admitted that the higher levels of the Company's management had endeavoured to do what they could for better industrial relations, and in any event I do not think that any question of bona fides or mala fides is involved in or about the issue before me which is a clear cut issue, and has to be decided on its merits.

11. I will first examine the language of the Agreement having regard to surrounding circumstances. The agreement was made applicable to booth Nowrozabad and Kotma Collieries, and, therefore, on the face of it, the term "Installation of weighbridges on the surface to weigh coal", does not necessarily imply that there would have to be more than one weighbridge at either Colliery; the plural "weighbridges" could quite as well refer to one weighbridge at each Colliery, and therefore, it could not be said that according to the plain reading of the Agreement of the Agreement the Company had failed to implement the terms of the Agreement by establishing only one weighbridge at Nowrozabad. As I have said before in Nowrozabad the routeing of the coal to the washery was later so altered that it became necessary to have an extra weighbridge freely opened at incline No. 6; this was so necessitated by reasons which became evident round about 1965. It may also be pointed out that Note No. (2) of the Agreement of 24th March, 1960 did not have in mind any weighbridge other than "the weighbridge on the surface." Then again Shri Hukamchand Gureja of the Union on 6th June 1960 writes to the Company:—"As all miners Representatives have been stopped from to-day as their period is over, kindly extend their period till your weighing machine is to be fixed." There is the Order of the Management that they will continue till "weighbridge comes into operation."

12. The weighbridge was duly installed in Nowrozabad in August 1960, and it was not till November 1960 that the Union's claim of weighbridge at each incline was started. In order to appreciate the position arising out of this it is necessary to remember that the distance from the weighbridge to No. 3 incline it is one mile, to No. 2 incline it is about a mile, to No. 4 incline it is 600 yds., and to No. 6 incline it is 4 furlongs.

13. All the coal goes to the washery and the inclines open on the surface; the same tubs which come out of the inclines were moved on by diesel locos to the washery, all traversing Colliery property. It is the Union's case that 2,000 tons per month of coal was taken off the tubs en route by the workers for domestic consumption. The Company however asserts that the workers are not allowed to take any coal from the loaded tubs for their domestic use. There are coal dumps for domestic purposes, and in any event 2,000 tons is an unsustainable assessment. Furthermore, to avoid pilferage there is a compound wall which prevents pilferage; it is 10 to 25 ft. high, and there are watchmen patrolling to prevent pilferage from the loaded tubs.

14. The Union's case is based on an allegation that 2000 tons of coal were legitimately removed by the workers as fuel monthly from the tubs before they reached the weighbridge, which was installed in August 1960, and the Union is concerned to secure several lacs of Rupees based on this contention; the Union contends that if there was a weighbridge at each outlet the workers would have had these 2000 tons monthly credited to themselves. The Union contends that the Company was aware of this position, but declined to have weighing machines at each incline mouth so as to benefit itself. Thus Mr. Chougule contends that the Company with knowledge of what could happen to its advantage failed to have a weighing machine at each outlet.

15. This leads me to the subject to the fuel which the Company gave, and at present gives to the workmen in accordance with usual practice. Mr. Chougule has called some workmen to give evidence to the effect that they helped themselves to whatever fuel they wanted, usually a basket of coal each man per day. Weighing about one maund-1 ton per head per workman monthly. Mr. Chougule's witnesses say that they used to take as fuel the coal which came up in tubs which were dumped at the mouth of the incline up to 1960, i.e., before the washery was established. They say that they always took such coal, and nothing but coal, and that no one stopped them either from helping themselves, or taking it away. They were cross examined, and these witnesses seem to scorn the idea of using rejects, on the ground that it omitted smoke and was difficult to burn. But, there are the records of the Company, and the evidence of Mr. Chaturvedi which gives a different picture of the problem; and at an early stage in the arguments the Company produced before me a letter which had been received from the Director, Geology and Mining, of Madhya Pradesh, (Exhibit 623) dated 27th May 1965, to the effect that in

future the Nowrozabad Colliery should not give any coal as fuel to its workers, but should give washery rejects, in order to preserve the higher value of coal for the benefit of the country. In his evidence Mr. Chaturvedi has given details as to the fuel which they had always been giving to the workmen up to the time that the washery came into existence in 1960, and also what was supplied as fuel to the workmen subsequent to that date. Mr. Chaturvedi is the present Manager of Kotma Colliery; in 1959 he was Assistant Manager at Nowrozabad, and remained there till February 1960. Thereafter, he was Manager at Kotma till October 1960, and from 1st November 1960 he took charge at Nowrozabad, and remained till 1964, since when he has been at Kotma; he goes frequently to Nowrozabad on the Company's work even though he is not in charge there. He was asked a definite question:—

Question: "Please tell me what was the position as regards supply of coal for domestic consumption to workmen other than officers and staff prior to February 1960? Was any coal supplied to them?"

Answer: "Before February 1960, when the washery was not commissioned, the railway wagons were loaded by means of coal tubs coming from the inclines 2, 3, and 4 directly at the mouth of the inclines. During the course of the loading of the wagons de-shaling used to be done from the wagons; in all three shifts 23 to 24 shale pickers were employed. The pickings from the wagons which were mostly shale were put by the side of the track. From here the workmen used to carry away the rejects and the shale for their domestic consumption. Whatever was not lifted by the workers was stacked by the side of the railway line. In addition to these pickings, shales, and rejects the workers have been using firewood, which is available in abundance from the forests around the Colliery, and from the used and rejected wood and timber which come from underground in plenty. Further, cinder from the boiler ashes which were dumped away from the boilers were also utilised by the workers. Kerosene oil was partly used by some and so on, but no coal was supplied as such to the workers. Shale is inferior coal. It is easily separable from coal. Shale can come either separately or attached to some coal. It is the job of the shale pickers to separate the shale from the coal. The coal so separated is kept in the wagon and the shale is thrown out. If any attempt was made at pilferage by anybody, big or small of the coal, the Management would stop it. (Exhibits 523 and 524 filed). Sometimes we inform the police of such pilferage. I produce copies of two letters (Exhibits 525 and 526), and I also produce (Exhibit 527) dated 1st February, 1959. The Union was wanting workers to pick up coal so as to bring down production figures."

16. The witness produced (Exhibit 528) dated 31st January, 1959, addressed to the Collector of Shahdol, and says:—"Up to 1956 coal was supplied to the officers and staff, and it was mostly out of the pickings and was done through a Contractor, the pickings referred to were shale. I produce the Register maintained from 1954 to 1961 with the heading Domestic Supply, (Exhibit 529). On the first page there is the remark "Shale basket supplied to staff quarters for domestic use", and this is in the handwriting of Shri N. K. Mukherjee, Vice President of the Union, and Cashier too. We supply shale only, and shale was good calorific value, and is good enough for domestic purposes. It is always used for brick making and lime burning. The total supplied to officers and staff was about 150 baskets per day. We did not supply any coal. Firewood used to be allowed to the officers and staff as it was coming in plenty from underground. We use about one lac worth of timber per year in the underground. The workers also take away the timber. After 1956 and before February 1960 the work of distribution to officers and staff was done by Departmental Mazdoors."

17. It has been argued on behalf of the Company that the workers were adamant to give less production by deliberately underloading tubs, and that therefore, the Union had put forward the case of coal lost en route. In answer to Mr. Chougule's question asking from where the workmen were getting their coal for domestic consumption, Mr. Chaturvedi said the answer to the query must be divided into two parts, namely, before the commission of the washery and after it. Before the commission of the washery the workmen were burning shale, rejects, and pickings, which were separated by hand pickers engaged by the Company. After the washery was commissioned the workmen had been allowed the washery rejects, supplemented by mined raw coal to help the process of ignition. It would not be correct to say that the workmen in pre-washery days were supplied with better quality coal; when attempts were made by them to take away the better quality of coal it was not permitted, and action was taken, Register (Exhibit 529) shows that what was supplied in pre-washery days even to the staff quarters for domestic use were shale baskets and not coal; in the front page of (Exhibit 529) the Vice President of the Union says:—"Shale baskets supplied to the staff quarters for domestic use." And

it is naturally pertinent to ask where the workmen could be permitted to take the superior coal when even high officers were given shale. When attempts were made by the workman to take away coal action was taken by the Company. (Exhibit 523) is dated 27th October 1957, and was addressed to the General Secretary of the Union. The Company informs the Union that it has been noticed that apart from some rejections for shale had all along being used for the workmen's domestic consumption. Women and children had been found entering the Depot and carrying on pilfering of coal. In requesting the Union to advise the workmen that they should desist from such practice, the letter proceeds to say:—"We are confident that you will fully co-operate with us in stopping such pilfering which does not only harm the Company, but also our workers, particularly the miners". (Exhibit 528) dated 31st January, 1959 says:—"We have to inform you that the action threatened by the Union of mass underloading of tubs has been resorted to, starting from the second shift of yesterday. It has been our experience in past that such action to bring down production has also been associated with inciting workers to enter into our coal depots en masse to remove coal, forcing even the power plant to shut down, etc.". Exhibit 526 is a letter from the Company to the police authorities at Nowrozabad reporting that nine named persons entered into their coal depots and forcibly removed coal from them, notwithstanding the opposition of the watchman, and the Company, and asking for necessary action to be taken against them. Exhibit 529 relates to other sixteen workers. In Exhibit 524 dated 24th February, 1959, there is the complaint by the Company to the Union of underloading of tubs and forcible entry into the Depots for removal of coal. These Exhibits indicate that the workmen were attempting to grab coal when in fact they had always been given shale and pickings for their domestic use.

18. After the washery came into existence the position underwent some change. What comes out of the washery after the coal of the required specific gravity has been taken away are rejects, and combustible material like shale. The Union had not asked for high grade coal; but while formerly raw coal was not supplied for domestic use, after the coming of the washery it became desirable to supply some raw coal in order to help the process of ignition of the rejects.

19. It has been said that the Company had not stated its past and its existing practice in the pleadings. That is not correct; but apart from that general allegation, it is evident that the material statement of facts as put forward by the Company was the actual practice in the Colliery from the time the washery came into existence in 1960. In this connection reference may be made to Exhibit 530 which is the Report of the Chief Chemist to the Manager on the subject of utilisation of rejects for domestic consumption. The washery started in February 1960, and this Report is dated 12th May, 1960. The Chief Chemist stated that he first took two bags of heavy media rejects and carried out his experiments. Twice he took a sigri full of rejects as they were (i.e.) containing shale, pyrites, etc. and in another sigri of shale only, excluding pyrites pieces, and in the third sigri he put coal. He found that the time taken for de-gasification in the case of shale and pyrites was almost double that of the sigri of coal. In the case of "rejects" as such sulphur dioxide fumes emanated, and the sulphur smell was there. However, from the sigri burning shale pieces, excluding pyrites, no such smell, or fumes was coming. It was also observed that once the cinder was formed in the sigri of rejects and shales they did not burn off rapidly, but gave out uniform heat for a much longer period. The Chief Chemist concluded that in the past shale picked, and rejects at the sidings used to be taken away for domestic consumption, and similarly the heavy media rejects were dumped in the Colony, and, as observed, workmen and their families were taking shale from these dumps for domestic consumption. He suggested that the washery rejects should be dumped in the Colony to be used as fuel.

20. In fact after the washery started coal dumps were brought into existence to enable the easy use of rejects for starting ignition. The coal to supplement the rejects was put into the coal dumps.

21. It is urged on behalf of the Company and not without some justification that if the Company did not give raw coal for domestic consumption in pre-washery days, it can surely not be required to give it in post-washery days except to help ignition. In actual fact the raw material given to help the burning of rejects is to the extent of 3 to 3½ tons every day for the upper staff, and 6½ tons for the rest. In this connection I shall later refer to the views of the experts on the subject before me.

22. As regards the position as it prevailed after the washery came into operation in or about the middle of 1960, Mr. Chaturvedi when giving evidence before me produced documentary support for the statements which he made, and Mr. Nanavati offered Mr. Chougule inspection of the books from which the several Exhibits had been prepared. Mr. Chaturvedi says that after 1962 a standard quantity of fuel was supplied to the staff. He produced 3 Registers—Exhibits 541, 542, and 543, as also Exhibit 534 which is based on attendance Registers. Mr. Chaturvedi says that as regards under-loading there had been correspondence with the Union, with the Labour Commissioner, and with the Head Office; internal correspondence at the Colliery; the putting up of Notices, and issuing of

circulars, and also issuing Notices to the workmen (they have been marked without objection as Exhibits 544 and 582). He explained that the single weighbridge which they first had was at the washery end, the second weighbridge started from 30th June, 1965, with the result that from 30th June, 1965 they had one weighbridge at incline No. 4, and one at incline No. 6. The weighbridge from the washery came to No. 4 incline, and another from the washery reject section was sent to No. 6 incline. Coal is carried by belt conveyor from No. 4 and No. 6 inclines to the washery. Four inclines were being worked, Nos. 1, 3, 4 and 6. Previously instead of No. 1 the Colliery worked No. 2 incline. The coal which goes from No. 4 and No. 6 inclines is immediately weighed by the weighbridges at their mouths. No. 3 incline coal is brought to No. 4 incline, a distance of approximately 800—1000 ft. All the inclines are bounded by walls. Graphs were produced of average weight of coal of the tubs loaded incline-wise for the period of April 1965 to June 1965, and July 1965 to September 1965, and these graphs show that there was no improvement in the matter of average weight per tub before the weighbridges and after the weighbridges were put up at inclines 4 and 6, as compared to the period when there only one weighbridge at the washery for all the inclines. The inference suggested was that if there was any pilferage of coal from the tubs on the way between the inclines and the weighbridge at the washery end, the average weight would have improved when the weighbridge was shifted from the washery end to the mouth of No. 4 incline, and similarly for No. 6 incline. And on this question of production, Mr. Chaturvedi pointed out that when the Wage Board visited Nowrozabad Colliery on 19th August, 1964 and reached Nowrozabad Colliery on the night of 19th August 1964, the graph Exhibit 584 shows what was the average weight of the tubs incline-wise and day-wise for the week ending 17th August 1964 and 25th August 1964. The peak was reached on 19th August 1964 after production had started going up on 17th August 1964, and dropped on 20th August 1964. A similar phenomenon was experienced when the Deputy Chief Labour Commissioner, Central Government, visited the Colliery on 27th March 1964 in the second shift, and chart (Exhibit 585) shows that the average weight of tub shot up in the second shift only from inclines Nos. 2, 4, and 6, and in the case of No. 3 incline the effect was felt in the third shift because of a larger number of loaded tubs left over at the end of the second shift; and Mr. Chaturvedi drew the inference that the better weight coincided with the visit of the Deputy Chief Labour Commissioner. There was a lengthy cross examination of Mr. Chaturvedi by Mr. Chougule, in the course of which Mr. Chaturvedi gave further information on the matters before me. He said he had personally seen the use of cow dung by the workmen as fuel when he visited the Colony, and he says that to start a fresh fire some little timber or cow dung is used. The Co. does not keep a record of the persons who carry rejected timbers for firewood purposes, nor does it keep a record of those persons who bring firewood from the jungles, but he says it is a very common practice, and a large number of workmen collect and take away firewood from the Colliery either from the under-ground or from the surface. The timber that goes to the Stores could be sold to the workmen or given to them free, but what does not come to the Stores is carried away by the people.

23. In further cross examination Mr. Chaturvedi said that it was correct that the workmen were stopped from taking coal from the track when there was no coal in the dumps; the real position had been that the Colliery always maintained sufficient amount of coal in the dumps, and they did not allow the workmen to go to the track; but the Union objected to this also. There was always sufficient amount of coal for domestic supply. The Colliery always maintained sufficient amount of coal for domestic supply. The Colliery stopped the workmen taking away coal from the tubs. Once or twice the workmen had got on the track and the Colliery issued Notices and warning. In one case a charge sheet was given to a trammer (Exhibit 172). It is possible that in spite of coal being in the dumps that the person referred to in Exhibit 540 behaved as he did. The Company got no reply to this warning note (Exhibit 540). Witness goes on to say that before 1960 the workmen had always been provided with shale, but shales coming out with the washery rejects did not have that amount of free coal attached to the shale, as in the case of hand pickings from the wagons; some coal was dumped only after 1960. The workmen carry timber from the forests. The nearest forest would be about 1000 ft. from the eastern wall of the Colliery; there is also a forest behind the hospital, one behind the creche, the Club, and behind the Nika Colony. Witness has seen many people bring timber from the forest, some villagers and other Colliery workers. He says that shale is inferior coal. Coals are graded. There are selective grade coals, then grades 1, 2, and 3, and below that under-graded coal. The calorific value goes on decreasing as we go down the grades. Shale falls within under-graded coal. The calorific value of shale is about 50 per cent of the calorific value of No. 1 and No. 2 coals. The Colliery has two seams of grade 1 and 2. Mr. Chaturvedi proceeded to say that according to the Settlement dated 24th March, 1960, the Colliery was to instal only one weighbridge at the washery, and another to be installed at Kotma. He produced a sheaf of correspondence for the establishment of the weighbridge at Nowrozabad (Exhibit 591 etc.). Even in 1957-1958 period there was under-loading, and deduction on account of under-loading as can be seen from Exhibit 544. The Company was entitled to assess the extent of under-

loading, and make such deduction as were necessary. It was one of the questions referred in Reference I of 1960, Whether the standard of loading of the tubs was up to water level at coal face, or up to water level at the surface, but it is not correct that a result of this dispute the Colliery had stopped supply for domestic consumption; the fact was that coal was never given, only shale was given, which continued even afterwards. Witness denies that the Company paid Rs. 43200 in respect of any claim for restitution or deduction made on the ground of under-loading. This amount was paid in settlement of all controversy. Witness was unable to say what action the authorities took on the complaints which the Colliery had made, but he was prepared to look up the records. Witness was shown the spot marked "A" on (Exhibit 531) which was at one time a pond. Witness says rejects had been put at that spot, and that it had almost been filled. There had been no consolidation and no bulldozer had run over it. Point "B" was a tank on the map. It has been filled completely up with rejects. The witness was not aware of any ditches at spot marked "C", which was always a level ground, and the same applies to spot marked "D". It is not correct that all rejects thrown out by the washery are cast at spot marked "E". At point marked "F" there is no ditch, but there is a heap. It is not correct that any of the other spots marked in 'red' show rejects which were used to fill up ditches. They show the place where the shale is picked up for domestic purposes. He means shale, some pyrites, and some sandstone. Shale is inferior coal which has been rejected by the washery. They never allow women and children to come into any working spot for taking domestic fuel. These dumps have always been outside the working area; they do not allow women and children to come within the boundary to collect shale. Nowrozabad is purely a Colliery town. It has the usual winter of the North from November to February. They have a co-operative Stores, and canteen where the workmen can get tea and snacks. There would be two or three eating houses, and about six or seven shops, small and large. There are some small shops run by the workmen in their spare time or by their families. The coal made available for use is eleven tons, which is kept for distribution amongst the men, with the addition of coal in tubs which might get derailed. This is apart from the rejects; shale is available along with the eleven tons of coal, and shale for cooking and heating is normal in Nowrozabad. The Company started giving coal in addition to shale round about the end of 1960, because the coal adhering to shale had become less on commissioning of the washery. Prior to 1960 only shale was being given. The normal production of shale previous to 1960 would be 1 to 1.5 per cent of the total production, and I do not think the coal adhering thereto was more than $\frac{1}{2}$ per cent. When we gave 11 tons of coal, it was not a case of gradual increase to that figure. We gave it because of the new conditions. A piece of coal may be a series of bands alternatively coal and shale, or a piece of coal may be one colour throughout, and if it is dark grey it may be called good coal if it is vitreous. Our coal is generally dull coal and has no lustre, and in that it resembles shale, but it is slightly superior to shale. Any piece of shale may contain bands of coal and in flotation it sinks as a piece. (The witness was then questioned by me as to the calorific and heating value of shale). The witness answered that after floating the lighter coal the heavier portion which sinks down in the heavy media specific gravity contains as mentioned earlier shale, 1 to 5 per cent sandstone, and 1 to 3 per cent pyrites. The calorific value of this whole thing comes to 2750, but if pyrites and sandstone are removed which is easily possible the calorific value improves to about 3000, as against the calorific value of raw coal being 5500. This calorific value is better with cow dung, fuelwood, etc. To ignite the shale it takes about $1\frac{1}{2}$ hours, which is a little longer than igniting raw coal, but because the volatile matter in the shale is less there is much less smoke, and the smoke that goes out is of lesser duration, and hence fire can be heated quicker and retains the heat uniformly for a longer time as compared with raw coal. Coal would take about half the time to ignite. The heating capacity of shale is more than sufficient for household purposes. In answer to Mr. Chougule witness said that it is not the volatile matter that influences heat. The carbon content of coal is responsible for the heat. To some extent the volatile matter goes after the smoke. Witness in reply to Arbitrator says:—"Derailed tubs are not included in the eleven tons, but that coal is also utilised. As a result of these derailed tubs in 1960 to 1965 it meant about one ton extra on the average per day, and from 1966 to 1967 about double of that". Mr. Chaturvedi pointed out in his evidence on page (2) given on 24th October 1967 as an error in the recording, the passage should read:—"What is taken from the washery is not included in the eleven tons," and similarly the answer he gave to the Arbitrator which should read:—"that derailed tubs are not included in the eleven tons, but that coal is also utilised."

In reply to Mr. Chougule witness said the weighing of tubs is a continuous process, and by the time the rake of No. 4 tubs is weighed the tubs of No. 2 and No. 3 are kept ready to be immediately fed in after finishing rake of No. 4 incline. There is no extra waiting; if No. 4 tubs are being weighed which takes about a few minutes, and not more than say six minutes the other tubs will be progressing towards the weighing machine, and further what is coming to No. 4 incline will not be more than nine tubs at a time, and coming from No. 1 and 3 inclines will not be more than 16 or 20; in one hour about 100 tubs can be cleared at the weighbridge. After the weight is recorded the tub goes to the tippler, the distance between the tippler and the weighbridge being 15 ft.

24. On 11th November 1967 Mr. Nanavati during cross examination of Mr. Chaturvedi by Mr. Chougule stated that the best course would be to have a demonstration as part of the evidence as to whether rejects contain shale which can be separated visually from pyrites and stone, and can be made to burn with the help of some coal to help ignition and heat. Mr. Nanavati proposed after getting direction from the Arbitrator to contact the Thana Laboratory. Mr. Chougule said that the question of burning rejects supplemented by coal had never been the case of the Company. After the Union's case was over this pleading about burning rejects had been introduced as an after thought through the evidence of Mr. Chaturvedi, and that whether rejects can burn is not the point in issue. Mr. Nanavati pointed out that Paragraph (17) of the Company's written statement of 1st November, 1965 is clear on the point. Mr. Chougule has been questioned on the subject when he gave evidence. Mr. Chougule objected to demonstration stating that rejects are combustible, but according to him this witness had said that it was not possible to separate pyrites from shale and stone, and the percentage of shale is very small; the Company on the other hand wanted to show that separation is easy, and the percentage of shale is substantial; further the Company wanted to show that there is no such gas coming out of shale picked out of rejects as has been deposed to by the workmen. I did not think that Mr. Chougule had correctly quoted Mr. Chaturvedi. But that apart I have held that it would be improper for me to evidence offered to me by either party in support of matters contained in the evidence of witnesses of both sides, and it would be injudicious for me to do so. I therefore, gave the Management the opportunity to demonstrate on the point as suggested, and I gave directions for the purpose. Mr. Chougule was understandably anxious that such a demonstration should be held with due care, and this was later achieved. Mr. Chaturvedi's cross examination proceeded he said that the Union had some time represented in their letters about coal being taken away from the tubs but the Company refuted this. On 1st November 1960 or so a complaint was sent by the Union that coal was being taken out of the tubs to the loss of the miners. When the washery started after trial runs in February 1960, rejects were supplied to the workmen for domestic consumption, prior to the readiness of the washery workmen were allowed to take away shale for domestic consumption; rejects at the time were shale, with some pieces of pyrites and stone, which could be easily picked out. The supply of fuel is not a condition of service. The Company has never accepted that position. He was not aware of any statement filed by the Company in 1953 before the Mazumdar Tribunal that free fuel was an amenity available to the workmen; what the Company had said in these proceedings is that sufficient coal was made available to supplement the fuel needs which were generally satisfied by shale, pickings, etc. Prior to the washery the shale and pickings were from the wagons.

25. I will now refer to expert evidence called concerning the behaviour of washery rejects, vis-a-vis, the coal produced by the Colliery. The first witness on this subject was Shri Raghavan, Senior Scientific Officer, Grade II, recently re-designated as Scientist "B", and he is at present in the Coal Survey Laboratory of Fuel Research Institute, Bilaspur. The laboratory is under the Council of Scientific and Industrial Research, and autonomous body under the Ministry of Education. The witness has a degree of M.Sc. in Geology of the University of Andhra. He is working with Mr. Deshmukh, who is the seniormost Officer there. He gave detailed evidence as to what was done by him in connection with this case. It was decided first to collect samples from the washery rejects at an agreed time, namely, 11.00 a.m. on 23rd November, 1967 in the presence of Mr. Bakshi of the Company, and Mr. Chougule representing the workmen. The rejects which had already accumulated in the bunker were removed in order to receive fresh rejects in the bunker for the purpose of sample. While the rejects were accumulated the specific gravity was taken at 11.00 a.m., and 1.68 was the reading. After an interval of ten minutes another reading was taken and that also showed 1.68. As the fresh rejects had accumulated the truck which was normally used for carrying rejects was cleaned and into it a quantity between one to two tons of rejects was allowed to fall from the bunker and out of this quantity using the standard showed increments were drawn. The term 'increments' means full shovel of drawn material. The rest of the rejects in the truck were taken away. This operation was repeated to collect sufficient quantity for the purpose of examination, and in this way about 380 kg. were collected. They were packed into four drums which were sealed by his office seal. These four drums were carried by him for test in his laboratory. At the close of samples he took another reading of specific gravity at 1.10 p.m., and the specific gravity was 1.68. Up to about 12.30 p.m. Mr. Chougule was present, and he was asked by him to remain there longer till the process was complete, but he told the witness to carry on and said he had confidence in Government Officers like him. After completing the collection of rejects at the washery the party proceeded to incline No. 1 for collection of representative sample from the coal coming out of that incline. Witness selected one tub from each of the rakes coming out of the incline at random, and each rake had four tubs. All the increments so collected by the shovel were put into clean gunny bags; simultaneously aliquet samples were also collected by putting increments at intervals into a drum.

Twelve gunny bags of coal were so collected and taken to Bilaspur for test. The Company wanted to know the calorific value of the approximate analysis of the rejects as such, and of the rejects after removal of pickable stones and pyrites. Witness says they are experts in way of sampling and they go by Indian Standard Specification. As regards the washery the design and set up may be different, but the working principle is the same. In reply to the Arbitrator the witness said that the sample of this kind does not involve any special difficulty; there is nothing in the course of the collection of the sample which would present any difficulty; there is no possibility of any error. The determination of percentage of specific gravity does not present any difficulty. The analysis follows certain formulae set by Indian Standards. He had visited other washeries before. His contribution on the subject is to be found in the first three pages of (Exhibit 616). The next witness is Shri B. Deshmukh, Senior Scientific Officer in Charge, Coal Survey Laboratory, Bilaspur. He is a Chemical Engineer, first class with Merit, Government of India scholar for two years in industrial training; then appointed on the scientific staff of the Central Fuel Research Institute where he has been for sixteen years. In 1959 he was sent for special training to the United Kingdom and France for study tour of coal based industry. He has signed the statement No. 1 in Exhibit 616, and according to this statement the calorific value of unpicked washery rejects is 5850 British thermal units per pound, and for picked washery rejects (i.e.) after removable of these pickable stones and pyrites, the Gross calorific value is 6050 of stones and pyrites from washery rejects. For the purpose of ascertaining the fuel value of these rejects, picked as well as unpickable, for domestic use he carried out a practical test personally in a domestic type of chula, and as to that the statement No. 4 to the Exhibit 616 is relevant, and factually correct. In answer to my question he said that in talks with the Chairman of the Development Corporation in Madhya Pradesh he had suggested, in informal discussion that some of the high ash of this region could be very well utilised as domestic fuel in most of the urban areas where the population is not very dense. The use of the term rejects is a misnomer, because rejects are inferior quality coal and may be called by-products fuel. In Jharia, Bengal area, rejects from washery are proposed to be used for boilers in the case of Bengal and Bihar as cokeing coal. In the case of Nowrozabad it is non-cokeing coal. The witness said that he did a performance test by combustion of rejects himself. It was done with mainly three points in view:—(1) To assess its ignition characteristic or combustibility, (2) intensity of heat, and (3) Duration of active combustion. As to cooking food materials his test showed that all these points were favourable for the use of these rejects for domestic fuel. In one of the tests there was a detectable smell of burning sulphur when the rejects used were of the size of $1\frac{1}{2}$ inches to 2 inches square. Where the size was $1\frac{1}{2}$ inches to $\frac{3}{4}$ inch there was no smell. The test was carried out in a small room which was fairly closed, and they were throughout in the room. But this was after the chula had been started outside and was then brought inside, and the smell in the room when the fire was brought in was not intolerable. If raw coal is mixed with the rejects it is natural that raw coal will help catch the fire faster, and the chula will be ready just a few minutes earlier. Later on when the chula is ready to be taken inside the difference between the use of rejects alone and rejects placed with some coal would not be significant in heating or duration. So far the smell is concerned there was no difference, for raw coal also contains some sulphur. The witness proceeded to say:—

"In any case the fire would have to be ignited outside till all smoke emission is over. It is true of any form of coal for domestic purpose. With a domestic chula of the portable type whether it is rejects or a mixture of coal and rejects, the difference is the amount of time required for getting the chula ready. It will take just five to eight minutes more if rejects are used without any coal. To start a fire whether it is coal alone, or whether it is rejects, or whether it is mixture of the two, in a chula, it is necessary to start with some pieces of wood which may or may not be sprinkled with kerosene oil, or by the use of cow dung; once the chula is ignited properly it can be brought into the room, and used for fuel or heat. Shale is metamorphosed clay, and is generally found in all coal deposits. The existence of pyrites or coal which we could pick out by visual observation from the rejects would be about 7 per cent to 6 per cent as on rejects equal 100. By visual observation I could not say what the maximum would be. Coal is not homogenous product by which I mean that different entitles rub-shoulders with the same lot of coal. The test which we have carried out has been that the rejects whether picked or unpicked can be used as a domestic fuel in a portable type of chula. You can start a fire of these rejects in the same way as coal. Its heat giving properties are as good as coal. Using Nowrozabad coal or the washery rejects would not make any difference to any small household." In cross examination witness said that obviously in the washery rejects also the pyrites are concentrated mainly in the slack below one inch and mostly below half inch. Slack cannot be used in the chula if below half inch, because then they would pass through the grate. Slack is actually a material a top size of anything up to two inches but the lower size would be zero. Material

of size 1 1/2 inch to half inch was used for the chula test for picked rejects. The question was put by me as to what would have been the effect so far as combustion was concerned if he had not sized down the material, and witness replied:—"There would have been no material difference so far as combustion in the chula was concerned. The only difference would be that with bigger pieces lesser quantity of coal could be put into the chula at one time; there would be a slight advantage of quicker ignition, but on the other hand it would affect the longevity of the fire to a little extent. The sulphurous smell is caused by the presence of some pyrites occurring in the fuel. The occurrence of pyrites causing sulphur fumes in that size of 1 1/2 to 3/4, or half inch are as good or as bad as would happen by the use of Nowrozabad coal." To witness's knowledge magnetite is not responsible for the fumes.

26. I have carefully examined this issue from its relevant aspects, and have come to the conclusion that the issue must be answered in the affirmative. The genesis of the Agreement of 24th March, 1960, was stated to be the desire of the Union to establish a mechanical and more accurate system of weighing the output of the mine by means of a weighbridge in the place of the existing system of visual assessment which had prevailed. Up to the date of the establishment of the weighbridge at the washery in June 1960, and in fact until the weighbridge had been in existence for some five months it had never been put forward by the workmen that the Agreement called for a weighbridge at every one of the four inclines at Nowrozabad. During the hearing of this issue many adjacent aspects of the problem have been considered, and I gave full opportunity to both sides to explore the impact of surrounding circumstances for an answer to the issue. Upon a consideration of all the facts and circumstances I answer the issue in the affirmative. I hold that the establishment of the single weighbridge at the washery at Nowrozabad was in due conformity and compliance with the letter and spirit of the terms of the Agreement of 24th March, 1960. There is nothing in or about the wording of the Agreement to suggest that there was an obligation on the Company to establish a weighbridge at every incline in Nowrozabad. In actual fact the Company has on its own set up one other weighbridge subsequently in Nowrozabad for the improvement of the supply of coal to the washery by an extension of the conveyor belt, but that development was not the product of the Agreement of 24th March, 1960, nor was it associated with it.

27. It has also been contended by the Union that each of the workmen was entitled to a basket of coal per day and every day by way of free domestic fuel, and that in order to secure the same they did not hesitate to take the same off the tubs whenever they could do so, thereby reducing the weight of the tubs with consequent loss of earnings to the miners. It has however been established by the evidence that after the washery was established the workmen were entitled only to rejects for fuel, and in addition thereto have been allowed a small quantity of coal from coal dumps maintained by the Company at different spots, the coal being given to enable the workmen to ignite the rejects. Before the washery came into existence the workmen were given shale picked out of the tubs by the shale pickers, and no other coal. The Colliery workers have not suffered by the present arrangement.

28. It has been established before me that if and when the workmen took coal out of the tubs either below ground or at the surface, it was just pilferage against which the Company did not fail to take action. This sort of pilferage was controlled by the Company by means of watchman, reports to the Police, by erecting boundary walls, and by taking disciplinary action against the culprits. But if the weight of the tubs was short, it was not necessarily due to pilferage by workers taking away coal from the tubs en route; it could well be underweight due to under-loading; Exhibit 583 is relevant to this aspect. To suggest that because of such pilferage the Company undertook impliedly by the Agreement to put up a weighbridge at each incline is not acceptable. In this connection it is relevant to recall that even before 1960 the workmen received shale as fuel and not coal; and as I have said before there is the record which cannot be challenged which shows that even the higher categories received shale and not coal for domestic fuel. And now according to the circular letter of the Madhya Pradesh Government, Exhibit 623 the collieries of the State have been directed to give slack for domestic consumption of miners, and where coal has been given in the past the practice is to be discontinued. Nowrozabad Colliery is to give fuel to the Colliery workers from washery rejects.

29. Now therefore I make my Award and answer the issue in the Affirmative. The issue being:—"Whether the action of the Management of Nowrozabad Colliery of Messrs. Associated Cement Companies Limited in installing only one weighbridge at the washery for all the three inclines of the Colliery is in due conformity and compliance with the letter and spirit of the terms of the Agreement dated 24th March, 1960, passed by the Central Government Additional Industrial Tribunal, Bombay, in Reference No. I of 1960?"

If not, to what relief are the concerned miners entitled?"

30. Mr. Chougule said that if the first part of this issue is decided in the affirmative (as has been done), the question: 'If not, to what relief are the concerned miners entitled' does not arise: and I make this Award accordingly.

31. This Award is signed at Bombay this the 24th day of July 1968.

(Sd.) F. JEEJEEBHOW.

Arbitrator.

[No. 5/1/64-LRII.]

ORDER

New Delhi, the 24th July 1968

S.O. 2808.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Marine Colliery of Messrs New Marine Coal Company (Bengal) Private Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal from service of Shri Binu Dasadh, Trammer, with effect from the 19th February, 1968 by the management of New Marine Colliery of Messrs New Marine Coal Company (Bengal) Private Limited, Post Office Kusunda, District Dhanbad was justified? If not, to what relief is the workman entitled?

[No. 2/64/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th August 1968

S.O. 2809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to Messrs Orissa Mining and Engineering Company, Contractors in Thakurani Iron Ore Mines of Messrs Orissa Minerals and Development Company Limited and their workmen, which was received by the Central Government on the 29th July, 1968.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.
CAMP AT BHILAI

Dated July 23, 1968

PRESENT

Sri G. C. Agarwala, Presiding Officer.

CASE REF. NO. CGIT/LC(R) (97)67 (JABALPUR TRIBUNAL)

CASE REF. NO. CGIT/23 OF 1965 (DHANBAD TRIBUNAL)

PARTIES:

Employers in relation to M/s. Orissa Mining and Engineering Company, Contractors in Thakurani Iron Ore Mines of M/s. Orissa Minerals and Development Company, Limited

Vs.

Their workmen.

APPEARANCES

For employers—None

For Workmen—None

INDUSTRY: Iron Ore Minc.

DISTRICT: Keonijhar (Orissa).

AWARD

By Notification No. 23/25/64-LR1, dated 25th January, 1965, the Ministry of Labour and Employment, Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to the Central Government Industrial Tribunal, Bhanbad, for adjudication. The case was subsequently transferred to this Tribunal by Government Notification 8/25/67-LR11, dated 25th April, 1967:—

Matter of dispute

"Whether the demand of the workmen employed by Messers Orissa Mining and Engineering Company) contractors in Thakurani Iron Ore Mines of Messrs Orissa Minerals and Development Company Limited) who were members of the Provident Fund Scheme, prior to the 1st February, 1963, for the grant of benefits for the period from the 1st June, 1958, to the 30th November, 1963 similar to those provided under the Employees Provident Fund Scheme, 1952 is justified and if so in what manner it is to be given effect to."

2. The Union and the Orissa Mining and Engineering Company filed written statement of claims before the Bhanbad Tribunal. A date for hearing was also fixed but the case could not make any headway there. On the first date of hearing which was on 27th July, 1967, before this Tribunal Orissa Minerals and Development Company, to be hereinafter called as O. M. Development Company, raised an objection that the dispute is essentially between their contractors, the Orissa Mining and Engineering Company, to be hereinafter described as O. M. Engineering Company, and their workmen and that they are not parties to reference and should not be required to file written statement. After hearing arguments at some length, an order was recorded on that date holding that they are necessary parties and were directed to be impleaded under Sec. 18(3)(b) I. D. Act. They were required to file written statement on 22nd August, 1967 which they did. Thereafter on an application filed by the Union, the O. M. Development Company was required to produce certain papers on the next date of hearing which was to be at Puri on 16th May, 1968. The Union and O. M. Development Company both absented. Only O. M. Engineering Company made an appearance. In the absence of necessary documents, it was considered desirable that in order to adjust equities between the Principal and the Contractors it is necessary to have the relevant documents so as to find out under what deed of agreement the arrangement between the Principals and the Contractors subsisted. Parties seem to have no interest left in the dispute as in spite of notice all the parties absented on the next date of hearing which was 16th July, 1968. I have therefore to record an award without appearance of any parties in the dispute.

3. On going through the conciliation failure report and the written statements filed by the parties, it appears that the benefit of Employees Provident Fund Scheme was extended to the employees of O. M. Engineering Company, the Contractors, from June, 1958. The Contractors used to deduct employees contribution and contributed an equal amount. The fund was deposited with the Regional Provident Fund Commissioner, Cuttack. The Principals, O. M. Development Company, used to reimburse not only the contribution paid by the Contractors but all expenses including salary of the clerk. This arrangement continued till January, 1963. The Hon'ble Supreme Court in Orissa Cement Ltd. Vs. Union of India, reported in 1962-I-LLJ p. 400 held that the Government Notification extending the scheme to contract labour was *ultra vires* being violative of Art. 19(1)(g), of the Constitution. By reason of this, the Regional Provident Commissioner advised O. M. Development Company that the benefit of provident fund was not available to contractors labour. On that basis, the O. M. Development Company withdrew about Rs. 86000 which had been contributed as equal amount till January 1963 and advised the Contractors, O. M. Engineering Company, to discontinue the scheme. That was how the benefit of Provident Fund Scheme was discontinued to the employees of O. M. Engineering Company till it was again introduced statutorily with effect from December, 1963. The claim of the Union was that the employers, both the O. M. Development Company and the O. M. Engineering Company by reason of an agreement under which the benefit of Provident Fund was continuing could not withdraw the same and at any rate the Supreme Court ruling had no application to a case where the scheme was under operation by reason of agreement and not under statute. In any case the employers were not justified in withdrawing the contribution made in the past so as to operate it retrospectively. The O. M. Development Company took their stand on the Supreme Court ruling and the advice tendered by the Regional Provident Fund Commissioner and the O. M. Engineering Company contended that they were only intermediaries and were contributing so long as the O. M. Development Company extended the benefit. All this could have been enquired into and the employees in all probability would have got necessary relief by

means of this award, if the Union had taken a little more interest and had not defaulted in appearance on more than one dates. There was no appearance on the last two dates of hearing and in the absence of relevant documents it is not possible to determine on what basis the benefit of the provident fund was being extended to the employees of O. M. Engineering Company and what precisely was the contract between O. M. Development Company and O. M. Engineering Company. There can be no determination and adjustment of equities between these two companies without the necessary documents which formed part of the contract between the two and the communications of the Regional Provident Fund Commissioner and such others which may have been exchanged between the two companies. It is, therefore, not expedient to adjudicate the dispute when all the parties have defaulted and have ceased to take interest in the dispute. The Union at any rate is not interested at present in pursuing the dispute.

Decision:

As the parties have not taken any interest in the proceedings and the Union has failed to make appearance a no dispute award is hereby recorded. This will, however, not prevent the workmen or the Union in raising the dispute again if so advised as no adjudication is being made on merits of the controversy.

(Sd.) G. C. AGARWALA,
Presiding Officer.
23-7-1968.

[No. 23/25/64-I.R.I.]

ORDERS

New Delhi, the 23rd July 1968

S.O. 2810.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Ltd., Jullunder, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal at Chandigarh of which Shri Iswar Das Pawar shall be the Presiding Officer and refers under clause (d) of sub-section (1) of Section 10 of that Act the said dispute to it for adjudication.

SCHEDULE

Whether the management of the Punjab National Bank Ltd., is justified in denying officiating chances as Special Assistant to Shri Sarbdyal an employee of the Bank at the Hall Bazar Amritsar branch? If not, to what relief is Shri Sarbdyal entitled?

[No. 23/16/68/LR.III.]

New Delhi, the 26th July 1968

S.O. 2811.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ruby General Insurance Company, Limited, Delhi and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under Section 7A of the said Act.

SCHEDULE

Whether action of the management of the Ruby General Insurance Company Limited, Delhi in terminating the employment of Shri P. P. Chopra with effect from the 17th July, 1967 was justified? If not, to what relief is he entitled?

[No. 25/16/68-LR.III.]

S.O. 2812.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New India Assurance Company, Limited, Madras and their workmen in respect of the matter specific in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of Section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the workmen that the Assistant Inspectors should not be required to service Tied/Bloc Accounts and that another category of employees called Servicing Assistants with higher scales of pay should be created for the purpose, is justified? If so, to what relief are the workmen entitled?

[No. 25/3/68-LR.III].

O. P. TAIWAR, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 24th July 1968

S.O. 2813.—In pursuance of rule 88 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the Chief Settlement Commissioner hereby rescinds Order No. 3(4)/L&R/67, dated the 18th July, 1967 issued by the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Rehabilitation), Office of the Chief Settlement Commissioner, restricting sales of un-allotted acquired evacuee agricultural lands situated in rural areas in the State of Haryana to the members of the Scheduled Castes specified in Part X of the Constitution (Scheduled Castes) Order, 1950 except as respects things done or omitted to be done.

[No. 3(4)/L&R-67.]

H. K. TANDON,

Chief Settlement Commissioner.

